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Report of the Committee of Inquiry into the Care of Destitute Children and Young Offenders

1933

Part I - II

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To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,

Home Department.

Sir,

We have the honour to submit herewith our report on the subject of destitute children and young offenders as referred to us in March 1933.

2. The following members were appointed by Government Resolution, Home Department, No. 1662/3, dated the 2nd March 1933, and subsequent Resolutions Nos. 1662/3, dated the 10th March, 15th April and 15th May 1933 :—

(1) Sir Hormazdyar P. Dastur, Kt., LL.B., Barrister-at-Law, *Chairman*,
(2) O. H. B. Starte, Esquire, C.B.E., I.C.S.,
(3) A. Master, Esquire, C.I.E., I.C.S.,
(4) R. K. Innes, Esquire,
(5) H. W. Bryant, Esquire, M.B.E.,
(6) T. Sinclair Kennedy, Esquire, J.P., M.L.C.,
(7) Miss M. K. Davis,
(8) Frank Oliveira, Esquire, LL.B., J.P.,
(9) M. R. Bade, Esquire, B.A., B.Sc.,
(10) J. S. Kadri, Esquire, M.L.C.,
(11) R. R. Bakhale, Esquire, M.L.C.,
(12) J. C. Bolton, Esquire, I.C.S. (*Secretary*).

Sir Hormazdyar Dastur and Mr. Bryant were unfortunately compelled to resign early in April as they proceeded on leave, Mr. Starte being appointed Chairman in succession to Sir Hormazdyar.

3. The terms referred to us are as follows :—

(*i*) to consider and make recommendations for the better co-ordination of the work of the various institutions operating under the Bombay Children Act, the Apprentices Act, the Reformatory Schools Act and the Bombay Borstal Schools Act ;

(*ii*) to consider and make recommendations for the best use of available grants ;

(*iii*) to consider whether juveniles from outside the Presidency should be admitted to these institutions ;

(*iv*) to examine the methods of ensuring future employment for those trained at the Schools, including especially agriculture ;

(*v*) to examine the arrangements connected with "After-care," including particularly the present facilities for training workers among juvenile delinquents, and to make suggestions for improving these facilities ;

(*vi*) to consider the subject in its relation to the Beggar and "Mawali" problems in Bombay City and to make recommendations.

CHAPTER I.

INTRODUCTION.

4. We have held 29 meetings of the Committee and 17 meetings of Sub-Committees and have interviewed a number of witnesses, and received 31 replies to our general questionnaire, in addition to many replies from officials and other persons who were unable to give oral evidence, but submitted views on specific questions. We desire to take this opportunity of acknowledging the assistance given by all who have so willingly co-operated with us in our work.

5. Visits of inspections have been paid to institutions both in Bombay and in the mofussil, and reports have been studied of earlier enquiries in India, as well as the results of investigations into similar subjects in Great Britain and elsewhere. The Burma Report of 1928, we have found to be of particular value, as it deals with the same problems under similar conditions. The Report of the Departmental Committee of the Treatment of Young Offenders (1927) is of special value inasmuch as it presents a record of experience in Great Britain and the crystallisation of modern views on the subject. We strongly recommend that a copy of the latter Report should be sent to every First Class Magistrate and others connected with the work in the Presidency.

6. Human nature, throughout the world, is the same and therefore human problems and their most rational means of solution must present many common features in different lands. If a child, for whatever reason, infringes the law, the law for the sake of the individual child no less than for the protection of the community must intervene, but not necessarily by the infliction of the penalty prescribed by law for this particular offence. We definitely accept the principle, not merely as a theory, that it is the bounden duty of the magistrate to look behind the misdemeanours of the young and discover their underlying causes. The future of the child is more important than the punishment of the offence. The conditions of life in the poorer districts of Bombay City and in the mofussil generally are such as to imperil the sound development of mind and character, and are consequently very largely responsible for the juvenile delinquency that exists. Unemployment and overcrowding with their inevitably demoralising results, the joylessness of life in chawl and hut, the lack of facilities for legitimate play and amusement, the attractions of the bazaar and tea-shops, the evil association with beggars and mawalis all tend to train the child in the way he should not go. Against such a background large numbers of destitute children have to struggle for existence. The problem of destitution is widespread in India and the destitute child, therefore, constitutes a special problem hardly known in the West. We are in agreement with the findings of the Departmental Inquiry of 1927 as to the similarity of treatment required by neglected children and young delinquents. We would, however, point out that a distinction is required between the

absolutely destitute and the purely poverty case. By the former we mean the child who for many years has adopted the life of the road: by the latter term we mean the child rescued from impoverished circumstances before a vagabond manner of life has developed. Experience has already shown in Bombay City that the majority of children dealt with under the Children Act belong to the former type and that, owing to their far more hardened nature, they require more specialised treatment than is available in voluntary institutions designed merely for the admission of poor children.

7. Magistrates in many other countries appear to be fully conscious of the heavy handicap with which city boys and girls are burdened and they lose few opportunities of using the powers conferred upon them by modern legislation of methods of treatment other than punishment in dealing with young offenders. The distinguishing features of the modern system are the discouragement of sentences of fines, whipping, or imprisonment; the hearing of cases in Children's Courts; the practice of putting young offenders under the charge of probation officers and of committing them to special schools; and generally speaking aiming at their complete segregation wherever possible from all contact with undesirable adult influences and the contaminating effects of prison life.

8. In this Report we wish to emphasise the importance of rational treatment for all types of juveniles up to the age of 21 as mentioned in the preceding paragraph. We firmly believe that the rescue of destitute, neglected and offended against children and the correct treatment of uncontrollable children as laid down in the Bombay Children Act are themselves powerful agencies for the prevention of juvenile delinquency. In addition, we are certain that the right treatment of young offenders is the surest way of reducing adult crime. English experience shows that, although only one generation has elapsed, since the passage of the English Children Act in 1908, adult crime has so much diminished that, for this and other reasons, several prisons have been closed down in the last few years. Apart from the great importance of the subject, we desire to draw public attention to its comprehensiveness, and this is manifest in the very terms of reference submitted to this Committee of Inquiry.

9. In the next chapter of this Report, existing legislation has been reviewed so far as it affects children and young persons; we have next examined and classified as far as possible, existing institutions and have then demonstrated the weaknesses and limitations of the present position. Recommendations for improving the situation follow and plans are outlined to represent the ideal set for future attainment. We are fully conscious of the fact that the appointment of this Committee of Inquiry has coincided with one of the darkest periods of financial depression and have therefore hesitated to recommend more than the barest minimum of requirements although the situation calls for a considerable outlay of public and private funds.

10. We have reserved consideration of the last of the terms of reference, i.e. "To consider the subject in its relation to the Beggar and Mawali Problems in Bombay City," for a separate report which will be issued later, as it seems to us that the subject calls for special consideration. We are satisfied that the mawali and the beggar problem of Bombay City and its relation to destitute children and young offenders needs to be examined carefully, but its treatment must be on different lines from the recommendations made on the other terms of reference both because it deals also with adults and because its consideration is limited to Bombay City.

11. At the conclusion of the Report will be found a summary of our recommendations, and we desire to emphasise that expenditure in the branches of child welfare dealt with represents an investment promising financial savings and social gains in the future.

CHAPTER II.

HISTORICAL REVIEW.

Legislation.

12. The Apprentices Act, XIX of 1850, is an all-India enactment, having as its object the control of the relations between employers and apprentices, and its interest from the point of view of this Report is that it empowers magistrates to bind children, both boys and girls between the ages of 10 and 18, as apprentices, if convicted of petty offences, or if destitute. The Act represents, we believe, the first legislative attempt in India to deal with destitute and delinquent children.

13. Before the introduction of the Reformatory Schools Act, Section 399, Criminal Procedure Code, permitted the commitment of boys under 15 to a reformatory established by the Local Government where special facilities for discipline and training were provided.

14. The Reformatory Schools Act, VIII of 1897, is similarly an all-India measure which replaced an earlier Act of 1876. It deals with delinquent boys under 16 years of age in the Bombay Presidency and under 15 years elsewhere. Under the Act Reformatory Schools may be established and youthful offenders may, in the discretion of the sentencing Court, be ordered to be detained in a Reformatory School from two to seven years instead of undergoing a sentence of imprisonment. No boy may be detained in such a school after the age of 18. Provision is made for the release on licence of boys over 14, if suitable employment is available, and the Superintendent of the Reformatory School is responsible for ensuring that the prescribed conditions are observed.

The Reformatory Act provided at the time it was framed a satisfactory alternative to prison for boys convicted of offences of serious nature and it represented a great advance in the treatment of children.

15. The Bombay Children Act, XIII of 1924, is a Government of Bombay enactment, and is much more comprehensive in scope than the measures outlined in paragraphs 12, 13 and 14. Firstly, it deals effectively with girls as well as boys. Secondly, it provides protective measures, not only for youthful delinquents, but for neglected, uncontrollable or destitute children, and also for all juveniles who are or may be, to use an accepted phrase, offended against. Special juvenile courts can be constituted under the Act, remand homes can be established for detention purposes and schools, both public and private, can, after certification, be utilised as places of commitment. Such courts are empowered to order the detention of a child up to the age of 18 years, or for some shorter period, but the managers of the aforesaid schools may release children on licence to trustworthy persons who are willing to assume the responsibility of arranging education or employment.

The Act was made operative in the City of Bombay on May 1st, 1927, and was extended to the Municipal borough of Lonavla (Poona District) in 1927, and to the Bombay Suburban District in 1931. Certain sections dealing with offended against children were brought into force in Ahmedabad City in 1931, and in Karachi in 1932. Section 4 of the Act has been extended to the whole of the Presidency whereby the maximum age at the time of commitment under the Reformatory Schools Act was raised from 15 to 16. The Act provides for its further extension to any part of the Presidency by notification of the Governor in Council.

16. The Bombay Borstal Schools Act, XVIII of 1929, is another Bombay Government enactment which provides for the foundation of Borstal Schools for offenders of either sex between the ages of 16 and 21. Such schools offer, as an alternative to imprisonment, an institutional treatment for juvenile offenders of this age-group. Young persons coming within the provisions of the Act may be detained for periods from two to five years, but a person may only be confined in a Borstal institution up to the age of 23 years or, with the consent of the Governor in Council, up to the age of 25. Inmates may be released on licence at any period after six months and such release is generally effected after a stay of two years.

This Act represents the first attempt to extend to an older age-group, the methods of reformation which have proved a success in the case of those under 16.

17. It may also be noted that under section 17 of the Criminal Tribes Act VI of 1924 "the Local Government may establish industrial, agricultural and reformatory schools for children and may order to be separated and removed from their parents or guardians and to be placed in any such school or schools, the children of members of any criminal tribe or part of a criminal tribe in respect of which a notification has been issued under section 11".

INSTITUTIONS OPERATING UNDER THE AFOREMENTIONED ACTS.

18. The Children's Home, Umarkhadi, Bombay, is an institution established and controlled by the Children's Aid Society which was formed in 1927 to make the Children Act effective in Bombay City.

The Home comprises three distinct sections :—

(*a*) Remand Home for Boys.
(*b*) Remand Home for Girls.
(*c*) Junior School for Boys.

In the compound of the Remand Home a Juvenile Court sits once a week in which are heard cases of children other than those against whom offences have been committed by, or who are jointly accused with, adult offenders. During the hearing of each case and pending the results of enquiries relating to the home circumstances of the children concerned, a temporary refuge is provided. Since its inception up to the end of December 1932—

(*a*) 3,944 children have passed through the Remand Home.
(*b*) The daily average number on Remand at one time is 88·8.
(*c*) The average period of stay has been 6·8 weeks.

Provision is also made for the permanent care of girls who have absconded from, or who have been refused admission by, one or more certified schools.

The Junior School was established in January 1930 to accommodate boys under 12, who are deemed to be unsuitable for admission to a voluntary certified school. It has normal accommodation for 60 boys. At the age of 12 the boys have to be transferred to other schools.

The Children's Aid Society is a voluntary body, but it receives a large annual Government grant, and it is housed in buildings which were formerly a jail, but have since been partially remodelled, and lent without charge to the Society.

19. The Juvenile Court has powers of committal to any of the following schools which have been certified under the Act :—

(1) The Junior School, Umarkhadi.
(2) The David Sassoon Reformatory.
(3) The Yeravda Reformatory.
(4) The Willingdon Boys' Home.
(5) The Byramjee Jeejeebhoy Home.
(6) The Dawood Bawla Mahomedan Orphanage for Girls.
(7) The Happy Home for the Blind (for Boys).
(8) The Nasik Home for the Homeless (for Girls).
(9) The Salvation Army Girls' Home.
(10) The Lady Northcote Hindu Orphanage (for Boys).

The five last mentioned institutions are financed by voluntary subscriptions, but a capitation fee may be paid monthly by the Children's Aid Society for each child sent by the Juvenile Courts to any certified school, excepting the Yeravda and David Sassoon Reformatories.

Children may be committed to the care of other institutions which fall under the definition of fit persons under the Act, and capitation grants are also sometimes paid in these cases.

20. The David Sassoon Industrial and Reformatory Institution was founded in 1843 as a ragged school, and in 1857 was reorganized on a larger scale and in new premises, through the benevolence of Mr. David Sassoon, an eminent Jewish merchant of Bombay. Control was vested in Government through a Committee of Management composed of a Chairman, and six members nominated by Government, two members appointed by the Sassoon family and two members co-opted by the Committee, an arrangement which still obtains. At the time of reorganisation, the school was recognised as an establishment suitable for the reformation of youthful offenders, and the encouragement of the system of apprenticeship, and until the passing of the Children Act, the overwhelming majority of boys were admitted under the Reformatory Act. It will be seen from the accompanying figures that the Children Act is now responsible for the admission of the majority of the boys, and so far as Bombay City is concerned, can be said to govern almost entirely such admissions :—

Year.	Admitted under Children Act.	Other admissions.
1931-32	91	21
1932-33	72	22

Private apprentices are occasionally admitted on payment of Rs. 240 per year. The Institution has normal residential capacity for 360 boys, but, in view of demands made, this is exceeded at frequent intervals. Ultimate administrative control is exercised by the Director of Public Instruction, and the Institution is largely financed by Government.

21. The Willingdon Boys' Home was inaugurated in 1916, with the aid of a substantial capital grant from Government, when it was recognised as a Reformatory School under the Act. It is now certified under the Children Act, and all admissions at the present time are under this Act. It is a private Institution controlled by the Salvation Army, which derives the major portion of its income by (*a*) a direct grant from Government and (*b*) capitation fees through the Children's Aid Society. A committee of visitors exists, composed of members ex-officio or nominated by Government on the recommendation of the Director of Public Instruction, who is ex-officio Chairman. The Home is situated in Byculla, and possesses accommodation for about 100 boys.

22. The Yeravda Reformatory School (Poona) is a Government Institution, and was recognised in 1899 as a Reformatory School, when it replaced a reformatory attached to Yeravda Jail, working under section 399 of the Criminal Procedure Code. It offers accommodation for approximately 230 boys who are sent chiefly from mofussil courts under the Reformatory Act, though an increasing number are being

committed under the Children Act by the Juvenile Court of Bombay. This Reformatory is under the administrative control of the Director of Public Instruction, and the superior staff is recruited from the Education Department.

23. The Byramjee Jeejeebhoy Home is a certified school for boys and girls, founded in 1917 and maintained by the Society for the Protection of Children in Western India. This voluntary Society is responsible for much of the pioneer effort devoted to the education of public opinion in matters affecting the care of destitute and delinquent juvenile. Government contributes to the Society's resources directly through an annual grant, and indirectly through capitation fees to the combined extent of more than one-half of the total yearly income.

24. The five institutions considered in the preceding paragraphs cater for the bulk of the number of boys and girls dealt with under the Children Act and Reformatory Schools Act as the remaining certified schools find themselves unable to receive more than a few children, if any, at irregular intervals.

25. The Borstal School, Dharwar, is a Government Institution started as recently as 1931 by conversion of the old Juvenile Jail, Dharwar, in accordance with the requirements of the Borstal Schools Act of 1929. It has accommodation for 400 boys, and is controlled by the Inspector-General of Prisons through a staff recruited to the Jail Department.

26. Two Associations connected with After-care deserve mention. In Bombay an Association has been formed for assisting boys discharged from the David Sassoon Industrial and Reformatory School. This is the Sheppard After-care Association. Its chief feature is a hostel accommodating about 30 boys in which boys of Bombay City released from the David Sassoon Reformatory may stay until they can find work.

27. There is also a Central Borstal Association with the Backward Class Officer as Secretary having in many districts subsidiary After-care Societies. The latter rely upon voluntary workers for the supervision of Borstal boys discharged on licence, for finding them a home and employment where possible and for sending regular reports on the licensees to the Secretary at Dharwar.

28. Another group of institutions may also be mentioned. Under section 17 of the Criminal Tribes Act, Government have established Children's Homes for boys and girls between the ages of 6 and 18 who belong to Criminal Tribes. Children are only placed in such Homes if their parents are dead or in jail for long periods and no other suitable relative can be found to care for them, or if their parents possess an extremely criminal record and show no signs of reform even when brought to a Settlement or if the child needs detention in such a Home by reason of its own wayward character. The main Homes are in Sholapur and Hubli and are on the plan of cottage Homes. There are at present 96 children in these Homes.

APPENDIX TO CHAPTER II.

Statement of cases of youthful offenders etc. dealt with by Presidency Magistrates and others.

——	1927	1928	1929	1930	1931	1932
Umarkhadi House.						
(1) Number of children admitted.	379	588	678	784	717	798
(2) Number sent to Reformatories.	40	137	183	163	113	156
(3) Number sent to Junior's School.	..	..	..	55	20	30
(4) Number sent to certified schools.	39	14	21	25	12	15
Bombay City Juvenile Court.						
(1) Number dealt with by the Juvenile Court.	..	431	441	546	469	430
	1927–28	1928–29	1929–30	1930–31	1931–32	1932–33
David Sassoon Reformatory.						
(1) Number of boys admitted from Bombay City Juvenile Court.	..	120	113	121	91	..
(2) Number of boys sent by other Courts.	..	3	4	4	21	..
(3) Number of private apprentices.	..	7	7	7	7	..
Yeravda Reformatory.						
(1) Number from Juvenile Court, Umarkhadi.	..	..	37	3	22	..
(2) Number sent by other Courts.	..	53	40	43	53	..
Borstal School, Dharwar.						
(1) Number admitted* ..	..	..	..	244	199	..
Willingdon Boys Home.						
(1) Number of boys from Umarkhadi Court.	9	37	40	29	18	65
(2) Number sent by other Courts.	4	..	..	..	..	..
	1928	1929	1930	1931	1932	
†*Number committed to Jail in Presidency including Sind.*						
Between 16–21 { Boys ..	1,577	1,624	5,297	2,299	6,391	
Between 16–21 { Girls ..	81	73	114	64	295	
Under 16 { Boys ..	53	27	98	65	186	
Under 16 { Girls ..	..	..	5	3	12	

* Separate figures under sections 11 and 14 of the Borstal Act are not available.

† These figures do not include short-term imprisonment in sub-jails.

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CHAPTER III.

WEAKNESSES AND LIMITATIONS OF PRESENT SITUATION.

29. The preceding historical review emphasises two facts, which are themselves both weaknesses and limitations, viz. the multiplicity of legislative enactments and the haphazard growth of institutions.

30. The Acts specified in Chapter II deal with different groups of juveniles who are less than 21 years of age at the time of their appearance before a Court. We feel that the object of all these Acts is one—the solution of the problem of juvenile delinquency—and we advise retention of only two Acts governing the problem as it affects the two main age groups—under, and over, 16. In our opinion the Apprentices' Act should be repealed as far as it affects this Presidency as it has been virtually obsolete for many years. Similarly, the repeal of the Reformatory Act is recommended so far as this Presidency is concerned, as it is more than covered by the provisions of the Children Act. We, therefore, recommend the extension of the Children Act throughout the whole Presidency, for, as was pointed out in Chapter II, it legislates for the comprehensive treatment of children whether they be destitute or neglected, uncontrollable, offended against, or offenders. In view of the fact that the Borstal Act deals with the older age group of young offenders, for whom a different treatment is required, it must be retained. It should, however, be noted that girl as well as boy offenders are covered by this Act but that owing to the lack of any Borstal Institution for girls, such offenders are not dealt with under the Act. In a later chapter regarding institutional requirements, mention is made of the necessity of establishing a reformative institution for girls of all ages up to 21. Given the establishment of such an institution, the Borstal Act can be made effective for girls as well as boys.

31. Just as legislative enactment has tended to be piecemeal in character as the result of slow growth, so institutional provision has occurred as the accident of charity rather than as the outcome of fixed policy. The classification of institutions is difficult owing to the wide variety of constitution due to the complete lack of any centralised control, but three main types of institutions may be enumerated :—

(1) Voluntary institutions subsisting on purely private funds.

(2) Aided voluntary institutions.

These can be further sub-divided as some receive an annual grant from Government, others receive only capitation grants per child paid by the Children's Aid Society out of its own grant-in-aid, others again receive both a lump annual grant as well as individual capitation fees, whilst in the case of the Children's Aid Society we have a private body nearly three-quarters of whose expenditure is met by Government.

(3) State Controlled.

Again this type of institution has to be sub-divided : on the one hand there are two institutions which are under direct Government control, viz. the Yeravda Reformatory School at Poona and the Borstal School at Dharwar. On the other hand the David Sassoon Reformatory is a private foundation maintained by

Government but administered by its own Managing Committee which consists largely of Government nominees. In addition there is a further distinction in that both Reformatory Schools are under the ultimate control of the Director of Public Instruction whereas the Borstal School is under the Inspector-General of Prisons.

32. Similar conditions of confusion in England resulted in the establishment, a few years ago, of the Children's Branch working directly under the Home Office for the purpose of co-ordinating public and private effort and of standardising the work in general. The operation of voluntary institutions in this Presidency has done much to educate public opinion and point the way to legislative reform but they are handicapped by lack of financial support and of trained workers. Such institutions also have been designed mainly for the reception of poor children and we have already pointed out in paragraph 5 the salient difference between the " poverty " and the " destitute " case. For the latter type special institutions are required as the average destitute aged between 7 and 16 years requires stricter discipline and more restriction of liberty than is possible in the ordinary institution catering for mere poverty cases. The endowment from private sources of special schools for the destitute type of child is strongly advised as well as the provision of more state controlled institutions as outlined in a later chapter. We are strongly of opinion that the present provision of schools of a reformative type for the whole Presidency is most insufficient. Proof to this effect is established by the fact that they are all at their maximum strength and, to meet the needs of Bombay City alone, a long waiting list has to be kept in the Umarkhadi Children's Home. Further, as pointed out, there is no reformatory school for girls and we regard the present practice of committing unruly girls for long-term detention in what is really a Remand Home as a most unsatisfactory proceeding. This, however, is inevitable until a new institution is established. The Children's Aid Society, in its own reports, has urged this step, as a home which is run for the purpose of temporary detention cannot provide the curriculum or discipline required for long-term commitments. Almost as unsatisfactory is the complete lack of special institutional provision for mentally defective children who have, in consequence, to be restored to unwilling parents or to be committed for detention in ordinary schools amongst normal children or left destitute in the street.

33. Apart from the inadequacy of the present institutional accommodation, attention must be called to certain defects common to practically all institutions now under review. Inspection of such institutions is provided for under the Children Act but little is done in practice beyond the ordinary educational inspection common to all schools. Such educational inspection is insufficient. Inspection within the meaning of the Act must govern not merely the curriculum but, as the reformation of the child is the dominating purpose, the whole life of the establishment.

34. Another defect is that release on license, although legally provided for under three existing Acts, is only practised freely in the Borstal School and to a very limited degree at the Yeravda Reformatory. The practice

of discharge on licence is strongly recommended and for four reasons. Firstly it will, to some extent, ease the present problem of insufficient institutional accommodation by creating vacancies. Secondly it is a measure of economy as lengthy detention involves considerable expenditure and by discharge on licence the term of commitment can be shortened. Thirdly it is an incentive to good conduct and lastly it provides a link between institutional and ordinary life. In the Report on the Treatment of Young Offenders of 1927 it is suggested that the average period of institutional detention should be restricted to three years in the case of children who have attained school leaving age (14). No hard and fast recommendation is, however, given in that report as every case must be provided for according to its merits. In India, however, the young offender or young destitute who has been living by his wits for a considerable number of years definitely presents a more complex problem than his Western equivalent. We recommend that Magistrates should ordinarily commit for a period of not less than 3 years and more if the child is young but we strongly advise that all institutional authorities should release on licence as many children as is feasible.

35. Akin to discharge on licence is the subject of after-care. Here again we find that after-care is limited to the activities of the Sheppard After-Care Association which endeavours to help the boy discharged locally from the David Sassoon Reformatory and of the newly formed Borstal After-Care Association and to a lesser extent by the Yeravda Reformatory School authorities. Western experience shows that people are more and more realising the limitations of institutional detention as a training for real life. After-care is the most important method by which the progress gained in institutions can be maintained in later life. The provision of satisfactory employment is a fundamental requisite of after-care, but mere placement in work should not be regarded as its be-all and end-all.

36. Experience elsewhere has demonstrated that the most successful method for the treatment of young offenders is by Probation, i.e. by the suspension of conviction and sentence contingent on the good conduct of the accused under the supervision of some officer appointed by the court. Such treatment in the open is now resorted to in an increasing number of juvenile cases in England and the result has been the closing down of nearly three-quarters of the Reformatory and industrial schools. Probation offers many advantages over institutional detention. In the first place it is infinitely more economical. Secondly by leaving the young offender in his home, it does not undercut parental responsibility. Thirdly it provides for his reformation under normal conditions which are necessarily lacking in institutional life. In India, however, there is no Probation Act, but under the Bombay Children Act neglected, offended against and delinquent children can be dealt with in their own homes and placed under the supervision of authorised persons. Only in Bombay City has any experiment been made to develop such a system of supervision*. Under the Children's Aid Society a group of about 30

*By supervision is meant the befriending of juveniles in their homes through the agency of workers appointed by the Court. In countries with a Probation Act in force, this work is called " probation ". In our Report these terms are used interchangeably.

men and women have been organised of whom the central pivot is one trained part-time paid worker, who acts as Chief Supervisor. Experience over the last 6 years, however, shows that in India supervision can only be resorted to in a minority of cases, owing to the prevalence of destitution, as only the child with a home of his own can be satisfactorily supervised, and so few children have homes of a nature lending themselves to such supervision. Secondly the lack of compulsory education, the low standard attained under the voluntary system, the appalling housing conditions in the poorest areas of the city, all contribute to the proportion of failures ranking much higher than in England. Two other short-comings require notice. In the first place the work of supervision almost entirely devolves on the volunteer and secondly, without a Probation Act, the young offender over 16 cannot be supervised when released on probation.

37. Another central weakness of the present position is the lack of trained workers and of any effective, specialised training facilities. To the Magistrate is given responsibility for the choice of the right method for dealing with the young offender. To the Supervisor comes the task of supplying the right kind of help for a long period amidst very difficult conditions. To the manager of a Remand Home or to the Superintendent or teacher in a reformatory school is given the work of remaking refractory character. All this is specialised work. Replies to the questionnaire revealed the fact that only in one institution in the Presidency were any of the workers equipped with academic qualification *plus* recognised social training. The reformation of a young offender requires selection of the right form of treatment by the Court; right treatment in any institution to which he may be committed; and the right method of supervision if treated in the open. Facilities for training are essential to ensure that men and women of the right type are adequately equipped for this specialised work.

38. In addition to the general and particular weaknesses of a more concrete nature, note should also be made of certain grave defects in the present educational position. No report recommending improved treatment for juvenile delinquency can omit reference to the conditions which cause such delinquency. Reference has already been made to the effect on supervision caused by the lack of any system of compulsory education. The unoccupied child is potentially the delinquent child. The illiterate child is likely to develop into the irresponsible parent. Each session of the Juvenile Court in Bombay City reveals, to an appalling degree, the complete lack of parental control. In addition we have little educated public opinion either on the treatment of children generally or on that of the delinquent child in particular. Sentimental feeling leads to indiscriminate charity and thus the child is encouraged to adopt a life of destitution. It also leads to indulgence being shown to young offenders when stern action might secure their salvation. Lastly few steps have been taken to educate public opinion on the value of the work which aims at reclaiming young life. Its cost should be reckoned in human rather than merely money value and against such cost should be off-set the consequent reduction in adult crime which has already been experienced in the West.

RECOMMENDATIONS.

CHAPTER IV.

CENTRAL CONTROL AND STAFF.

39. We consider that the first reform to be undertaken is the co-ordination of all the miscellaneous bodies and institutions which are at present dealing with destitute children and young offenders, by the provision of central control. We have pointed out in the last chapter that the problem of the destitute child and of the youthful offender is essentially the same, and the direction and control of all the organizations dealing with the problem should be in the hands of a central authority, termed the Chief Inspector of the Juvenile Branch who will be referred to hereafter as the Chief Inspector. There would be many advantages if the Chief Inspector had direct contact with Government through the Home Department of the Secretariat. This, however, we realise to be an impossibility at the moment; the Department would be too small at first to be independent, moreover it would be too costly to create a separate Department in the first instance. We propose therefore that the control of the organization should be in the hands of an existing Head of a Department under whom this Juvenile Branch should be constituted. He should have, as general assistant for the work of this Branch alone, an Inspector who, subject to the control of the Chief Inspector, will be responsible for the whole of the work of the Branch. The advantage of this proposal is that a man or woman could be appointed on a smaller scale of pay than is necessary for a Head of a Department, one who has the specialised training for this kind of work, but has not necessarily the administrative experience which is essential in a Head of a Department.

40. The Committee has given considerable time to discussion of the qualifications of the Inspector, for this post is pivotal. On the choice of a good incumbent the whole future of the system depends. He must be a man of broad outlook, with a general knowledge of the whole field of social work and with a specialised knowledge of modern methods of the prevention and treatment of juvenile delinquency. Such specialised knowledge must be not only theoretical, but based also on practical experience of as many branches as possible. He should have undertaken not merely the practical part of a degree or diploma in social work but, also, he should have spent some years in actual work in a Reformatory or other similar institutions or as an outdoor worker. The post can best be filled by an Indian, and should be so filled ultimately, because as will appear from the outline of his duties given below, he should have a command of the languages of the Presidency. But, owing to the absence of adequate social training in Indian Universities and to the lack of trained and experienced workers, it is difficult at present to find an Indian equipped to fill the post. If, upon due enquiry, it is not found possible to obtain an Indian or European already in India possessing the requisite qualifications we recommend that a person be recruited

on a contract basis from abroad for a period of, say, five years. During the first three years the Chief Inspector and the Inspector will acquire a good knowledge of the Indians working in the different organizations connected with this work and should be able to select from them a young man, keen and with an aptitude for his work, who shows promise. We recommend that the man so selected should be sent to England on one year's study leave with the intention of appointing him, if he is successful, to the post of Inspector on the expiry of the contract of the first incumbent.

The pay of the permanent Inspector should be in the grade of Rs. 400—25—800 as it is essential to get a really good man, but the pay of the first incumbent should be fixed according to his qualification and experience, and should be sufficient to attract a man of the requisite calibre.

41. The functions of the Chief Inspector will be described here only in brief. They will be amplified where necessary in later chapters of the report. The functions of the Chief Inspector will be analogous to those of any other Head of a Department in relation to the institutions directly under his control. He will assume ultimate responsibility for the Yeravda and David Sassoon Reformatories, and any institutions which may be started or taken over by Government, and will therefore exercise a closer supervision over budgeting than is possible under existing circumstances. So far as voluntary schools are concerned, no new powers require to be legislated for, as they exist under section 45 of the Children Act, and such powers require to be especially used in relation to schools in the mofussil where the Children Act is, and will remain, a dead letter unless the assistance of voluntary schools is extended. Similarly, the appointment will enable a closer control over the activities of certified schools, and will involve advice and help being given to any Society directing those schools. The distribution of capitation fees will be an important duty. The Chief Inspector should have power to transfer inmates from any one school to any other with the consent of the Managing Committee of the latter. In this way he can secure that each child shall be kept in the school most suited to his needs.

42. He should be responsible for making the Children Act effective in the mofussil. This will involve his doing propaganda work to arouse interest in the problem and to raise the necessary funds. It will be necessary for him to select certifiable schools and to enlist bands of voluntary workers. As new institutions come into existence he should exercise all the powers of inspection, direction and distribution of grants-in-aid.

43. He will have to organize probation work. The Probation Officers will be under the direction and control of the Courts but the initial recruitment and organization should be guided by the Chief Inspector, and he should exercise indirect control through the Courts and by advice.

44. He should advise Government in the organization and administration of Juvenile Courts, and whenever possible should be consulted in the actual appointment of the Stipendiary Magistrates of Juvenile

Courts, and particularly of Honorary Magistrates, so that only those interested and skilled in the treatment of juvenile offenders should be empowered to sit in such Courts.

45. He should organize and direct the activities of After-Care Societies throughout the Presidency. He should arrange short intensive training courses for Magistrates and all kinds of workers. He or his Inspector should give lectures at the Nasik Police Training School on the Children Act.

46. As regards the remaining staff to be newly appointed, we recommend that this should be sanctioned as the need arises. The Inspector's personal staff should not exceed one, or at the most two clerks. The reason for limiting the staff is that the post is one demanding great personal activity. The Inspector will be a touring officer who will be constantly moving and therefore a large office staff would be merely an encumbrance.

47. We wish to emphasize that the work of the Chief Inspector and of his Inspector will be ultimately judged by the efficiency of each of four distinct branches, firstly the Juvenile Court with its preliminary enquiry into each case, secondly the system of probation or supervision in the open, thirdly the institutions to which the child may be committed, if he cannot be supervised in the open or dealt with otherwise, and fourthly the after-care organization to help him on release. We feel it desirable to point out that three of these branches of work are only in an initial state of development. Juvenile Courts, at present, only exist in Bombay City and the Bombay Suburban District; a probation system has only been worked out to a very limited degree in Bombay City: and after-care and release on licence are in a very undeveloped state. Thus for some years special emphasis needs to be placed upon the development of these branches of the work.

48. We have considered under which head of an existing Department such work can best be placed. There are three Heads of Departments which might be considered: The Inspector-General of Prisons, the Director of Public Instruction and the Backward Class Officer, as all three are already connected with some branch of the work.

49. We have considered the possibility of placing it under the Inspector-General of Prisons. He has the advantage of being a Medical Officer. The union would also facilitate the transfer of suitable boys from jails to Borstals and vice versa. Nevertheless we are convinced that the union of this new Juvenile Branch with the Jail Department would be fundamentally wrong in principle. In our opinion the key-note governing the right treatment of destitute children and youthful offenders is training and rehabilitation and not penal discipline. We are assured that the child whether he be destitute or delinquent is a victim of his environment and requires specialised treatment and protection and not punishment. The organization of Juvenile Courts and the training of Magistrates and of Probation Officers does not normally fall within the sphere of a Jail Department. We also believe

that the officers required for manning prisons and reformatory schools must, of necessity, be persons of different types and we feel that any amalgamation of the two under the control of the Jail Department would be a retrograde step. Lastly we would draw attention to the fact that in England, where work amongst juveniles has achieved a high standard of progress, a separate Children's Branch of the Home Office has been constituted with direct control over all matters relating to children which come within the purview of the English Children Act. A similar conclusion has been arrived at by the Burma Committee.

50. The Borstal School Authorities are faced with a much more difficult problem than is dealt with in reformatory schools. The juvenile belongs to higher age group (16 to 21 years at time of commitment) and, in consequence, bad habits of a more determined type have to be broken down. In addition, the Borstal Act itself lays down that only juvenile offenders who possess a criminal record or who manifest particularly bad habits or who are living in association with bad characters, are eligible for Borstal treatment. To quote from the Borstal Act, " when it appears to the Court that by reason of his (the offender's) criminal habits or tendencies or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation, it shall be lawful for the Court to pass an order for the detention of the offender in a Borstal School." The young offender, of such type, presents a stiff problem for solution. Borstal methods in dealing with them are based, as far as possible, on the public school methods of houses and monitors and are actuated by the same spirit, and are administered on the same lines as those prevailing in a reformatory school. Treatment on these lines is carried out in the hope and belief that, although such training has not been supplied early enough, it is still, in the majority of cases, not too late to be productive of good.

51. It is thus recognised that the juvenile dealt with in a Borstal School belongs to a higher age group and presents a more difficult problem for solution. This fact, coupled with the general practice of Borstal institutions in many countries being under jail departments, has tended to divide public opinion on the subject of control of these institutions. We were ourselves confronted with conflicting views supported by weighty arguments. For example, we have, on the one hand, the Inspector-General of Prisons, Bombay, who is a strong advocate of Borstal School being retained under the jail department. On the other hand, there is the report of the Burma Committee on Juvenile Delinquency which, besides advocating the institution of a separate juvenile branch, under the Judicial Department, recommended that Borstal should form part of that department, and not of the jail department. The importance of the subject and the diversity of views necessitate, in our opinion, a brief examination of some of the main arguments employed on both sides before we set out our own conclusions.

52. It is argued that Reformatory and Borstal Schools are "penal institutions", and should, therefore, form the first link in the chain of the jail department. This view we cannot accept. The prime, in fact, the only, object of these schools is to reform and remodel character and to fit the inmates for an independent honest life. In our opinion they are different grades of training schools each with a constructive and reformative purpose. Secondly, it is pointed out that Borstal schools in Great Britain and in some of the Indian provinces, are still under the jail departments. In India, it seems to be that Borstal Schools have generally arisen out of juvenile prisons and, have therefore, remained, in the initial stages, as a matter of convenience, under the jail departments. But the recommendation in this behalf of the Burma Committee, which was presided over by a High Court Judge and of which the Inspector-General of Prisons of that province was a member, is, we consider, sufficiently indicative of the change that is taking place in public opinion. The analogy between Great Britain and India loses its force when it is recognised that, while in the former country, new men are recruited for Borstal institutions and, for the most part, are transferred to jails after some years of training and experience, thereby reforming the jail staff by a process of infiltration, in India the general practice is to transfer to Borstal, men recruited for jails. Thus the great advantage of infusing a fresh, non-penal spirit in the jail department and thereby leavening it, which Great Britain obtains by linking Borstal with Jail, is conspicuous by its absence in India. On the other hand, it is pointed out that, under existing conditions, it would be a great advantage if Reformatory and Borstal Schools are brought under one authority inasmuch as the staff trained in reformatory schools would be better fitted to man the Borstal Schools than the staff trained in the penal atmosphere of jails. Thirdly, we are told that the jail department has greater facility for the recruitment of teaching and technical staff. We are, however, informed that the staff of this type in the Borstal school is already recruited from outside the jail service. In our opinion, the head of any other department would have equal advantages in this respect. Fourthly, it is emphasised that adolescent boys in Borstal need a firmer hand than boys in reformatory schools. We admit the force of this argument; but we cannot accept that the firmer hand should be in the direction of jail discipline and jail life and that it would be exercised only if Borstal is put under the jail department.

53. One more argument that was advanced in favour of Borstal being retained under the jail department is that the transfer of boys from jails to Borstal and vice versa will be facilitated. It is true that there are many boys in jails for whom Borstal treatment is more suited. It is also true that there are a few boys in Borstal who are so incorrigible that reformative detention in their case is practically wasted and that they deserve to be sent to jails. We hope that with the spread of knowledge among magistrates, the number of cases of the first type will disappear. Until such knowledge is diffused, however, the powers of the Inspector-General of Prisons to transfer boys from jail to Borstal should continue

as long as vacancies in Borstal exist. But the ignorance of magistrates which is mainly responsible for wrong commitments, is, in our opinion, no excuse for retaining Borstal under the jail department. It is more important to deal with the root cause rather than to facilitate the use of what is really a palliative. Cases of the second type do present a difficulty. But it does not exist here only; it arises equally when boys are to be transferred from a certified school to a reformatory, from reformatory to Borstal, as from Borstal to Jail. Nor is the difficulty very serious at this stage. As the law stands at present, transfers of incorrigibles can only be made by the Governor-in-Council (section 12, Borstal Act) and there would be but little more inconvenience if the report of such cases were made by any department other than the jail department. From the point of view of easy transfers which are very desirable and necessary, we may point out that the control of Borstal and reformatory schools under one authority will facilitate transfers between them. We may also state that after-care of Borstal boys will be similarly facilitated as both the school and after-care organizations will be under one authority.

54. A careful examination of these arguments has led the majority of the Committee to the conclusion that the balance of advantage lies in the transfer of Borstal Institutions from the Jail to the Juvenile Department. They consider that the association of Borstal with the Jail Department is fundamentally wrong in principle. They also hold that the unity of control over all the juvenile branches which the Committee as a whole aim at, would be incomplete if Borstal continues to be divorced from reformatory schools and other allied institutions. In reaching this conclusion the majority have not lost sight of the practical difficulties which are likely to arise if the transfer of Borstal is effected forthwith. They recognise that the efforts that are being made by the Inspector-General of Prisons and by the staff of the Borstal School to improve its character and foster a spirit of *esprit de corps* may be interfered with if immediate transfer takes place. They also recognise that the Chief Inspector, who will be new to his job, will take some time to pick up the threads and weave them on the lines the Committee has recommended and that the new machinery under his charge will also take time to adjust itself. It is, therefore, likely that, in its activities of co-ordination in the children's section, the Juvenile Branch may find it difficult immediately to exercise adequate control over the Borstal School. We therefore suggest that the transfer of Borstal Institutions to the Juvenile Department should take place after it is firmly established. We believe that a period of not more than five years should be adequate for this purpose. In the meanwhile, we confidently expect that the Inspector-General of Prisons will continue his beneficent improvements, which we highly appreciate, and we hope that the transfer of Borstal will take place under conditions for the creation of which the Inspector-General can legitimately take credit.

55. A minority consisting of the Chairman, Miss Davis and Mr. Master consider that in spite of the very strong arguments for dissociating Borstal from the Jail Department which in the light of

present knowledge they fully accept, it would be better not to reach a final decision on the point until the conclusion of the period of five years when the question can be reconsidered in all its bearings.

56. The possibility of the Director of Public Instruction taking over the new branch has also been considered. He is already the Chief Inspector under section 36 of the Children Act. He has the advantage of a big cadre from which to choose his staff for the institutions and to draw upon as Organizers of after-care work in the Districts. The treatment of juvenile offenders is however not primarily educational in its narrower sense; it is essentially reformative. Moreover the work of the Educational Department is already unwieldy, and, with the growth of primary education is likely to increase. This probably accounts for two facts. In the first place, although the Director of Public Instruction was appointed by Government to be Chief Inspector in 1926, action on his part in this capacity has been limited to the provision of purely educational inspection, at least, as far as most of the certified schools are concerned. Secondly he has also informed us that he has no objection if this sphere of work is removed from his department. In addition it must be noted that guidance of Juvenile Court administration and the development of a system of probation are functions not normally to be expected from the head of a purely educational department.

57. There remains the Backward Class Officer to be considered as a possible head of the new Branch. He is doing very similar work in the reformation of the Criminal Tribes. The problem calls for the same broad human treatment. Though he has to deal with adults, he has also many children in the settlements who need similar control and has charge of similar institutions to certified and reformatory schools. Moreover the Backward Class Officer is already responsible for the after-care of the Borstal School and for that purpose is responsible for guiding the District Magistrates in the organization of after-care societies, which will form the basis of our proposals for the organization of after-care work for all the institutions in the Districts. A more important reason is that employment for the settlers is mainly found amongst outside employers, and therefore, he has practical experience of the most suitable means of employment for those who have once come in conflict with the law. A third reason is that the Backward Class Officer's Department is not too large for one man and the number of persons in Settlements is becoming less as the effect of reformative measures bears fruit, and thus he should be able to give special attention to this branch of his work. Thus the Committee recommends* that the new children's branch should be placed under the Backward Class Officer and that for this purpose his Head Quarters should be transferred to Poona so as to be centrally situated.

**Note by the Chairman.—*

As this part of the subject partly concerns my own work, I have tried to remain neutral in the discussion on the question whether the proposed juvenile Branch should be placed under the Educational Department or under the Backward Class Department. I think the question should be mainly decided on the issue as to whether future Directors of Public Instruction or future Backward Class Officers will have the most time and opportunity to study the intricate subject of Juvenile Delinquency in its theory and in its practical application to this Presidency.

58. The cadre of existing institutions which will be taken over and the new appointments proposed in this report should be amalgamated as far as convenient with the existing cadre of the Backward Class Officer's staff. This would facilitate transfers, and the advancement of suitable men.

Note by Mr. Innes.—

I regret inability to subscribe to the views of my colleagues so far as they affect the recommendation to entrust the care of the proposed Juvenile Branch to the Backward Class Officer. There are admittedly immediate advantages in this being done, mainly arising from the fact that the present Backward Class Officer is very experienced in the many phases of the treatment of Juvenile delinquency, but it is extremely unsafe to assume that his successor will be experienced to a similar degree. Further, it appears to be undesirable to associate work amongst boys and girls coming within one or other of the protective clauses of the Children Act (and especially those subjected to treatment because of destitution, not prosecution), with labour expended in reforming the adult members of definitely criminal tribes.

It is suggested that the introduction of a number of comparatively minor arguments tends to obscure the main principle involved in the consideration given to the possibility of amalgamating the Juvenile Branch with the Jail Department. If it is accepted that the delinquent child is fundamentally criminal and deserving of punishment adjusted to meet the commission of a specific offence, there is no question that the Jail Manual is the text book to employ in an endeavour to ensure that the ends of criminal jurisprudence are served. The Committee unanimously accepts the view that guilt with respect to a particular crime committed by a child is often far removed from being the most important point at issue. and that the aim of treatment should be dissuasion and rehabilitation. It follows, therefore, that no matter how far the present and future Inspectors-General of Prisons accept modern conceptions of such treatment, the whole Jail Department requires to be reorganised in the light of those conceptions before it can be merged with a Juvenile Branch of the magnitude we have endeavoured to justify. It would be unfortunate to alienate enlightened public opinion by such an absorption, and unduly optimistic to expect steam hammer methods, perhaps often necessary in jail management to succeed in moulding delicate and susceptible material.

Mention has been made of the facts that the Director of Public Instruction is already the Chief Inspector under section 36 of the Children Act, and ultimately controls the activities of the Willingdon Boys' Home, the Yeravda and David Sassoon Reformatories, and exerts at least some measure of control over other establishments certified under the Act. In addition he is of course departmentally responsible for the staffs of the majority of ordinary Presidency Schools, etc., in which the most suitable recruits for service in certified institutions should be found. My colleagues have expressed the collective view that the treatment of young offenders is "not primarily educational in its narrower sense; it is essentially reformative". I prefer to believe that that said treatment is primarily educational, and automatically reformative. The belief is accepted to some degree at least, for in paragraph 100 the unanimous recommendation is made that reformatories should be known as schools in the future in the interest of pupils. It may be true that the work of the Educational Department is already unwieldy, hence the assistance of the proposed specialised worker would relieve matters in this special direction. His association with the Director of Public Instruction would avoid the dislocation of work which must inevitably ensue if the present Chief Inspector is called upon to relinquish some of his existing obligations, and would ensure the amplification of a system wherein an educationalist is finally responsible for treatment so dependent on the application of modern educational methods.

CHAPTER V.

JUVENILE COURT ADMINISTRATION.

59. In the preceding chapter it has been demonstrated that without some form of Central Control, work for the prevention and right treatment of juvenile delinquency will remain ineffective. In the same way we are convinced that wider application of the Children Act in this Presidency

will serve little purpose without a real understanding of the essential requirements underlying Juvenile Court Administration. The Juvenile Court is the pivot on which the whole Act turns. Since the passage of the Children Act in 1924, the only place where a Juvenile Court has regularly functioned has been in the City of Bombay and it is interesting to note that the average annual number of cases dealt with has been no less than 463. The operation of the Act in spirit, rather than in mere letter depends on the character of the work of the Juvenile Court, and in view of our subsequent recommendations for the wider application of the Act in the Presidency, we feel that canons should be laid down to govern the essential features of Juvenile Court Administration.

60. In scope, the Juvenile Court deals with the following cases of children less than 16 years of age :—

(1) Neglected and destitute children and those living in a dangerous environment.

(2) Uncontrollable children put up by parents or guardians on private application to the Court.

(3) Young offenders whose offence is not too serious in nature.

61. It will thus be noted that children who have been offended against fall outside the scope of the Juvenile Court, owing to the fact that the other accused, being adults, have to be dealt with in the ordinary courts. In view of the unavoidable necessity of children having to give evidence in such cases in the adult court, we strongly advise that their evidence, which is generally in respect of sexual offences, should always be heard in camera. Legislation may be necessary to ensure this for although a Court may exclude the public, it is difficult, if not illegal, to exclude pleaders not engaged in the case as they are inclined to crowd into a Court, if there is a particularly interesting case being heard.

62. In practice we also note that another class of juveniles is still being dealt with in the adult court in Bombay City. Up to the amendment of the Children Act in 1931 all children who were jointly charged with adult offenders had to stand their trial in the adult court. By the amendment of section 46, however, the Juvenile Court has been given jurisdiction in such cases, but, in practice, children who are co-accused with adult persons are still being dealt with in the adult court. We understand that alteration of this practice has not occurred owing to a fear that by introducing adult co-accused into the Juvenile Court, a criminal atmosphere would be introduced. We, however, feel it desirable to point out that a considerable number of juveniles are by this means being debarred from treatment by the Juvenile Court and that if separate sessions were arranged it would be possible for joint cases of this nature to be heard at a different time and possibly at a different place from that on which ordinary children's cases were heard. The arrangement of a separate session would, we think, prevent the character of the Juvenile Court being affected in an undesirable way by the inclusion of adult offenders who are the co-accused of children and young persons.

63. In dealing with young offenders, the question of the age of responsibility is important. The Departmental Committee of 1927 on Young Offenders recommend that the age of responsibility should be raised to 8 years and that the limit of age before which it is necessary to prove that the accused person is aware that the act of which he is accused is wrong should be fixed at 14 years. Under the Indian Penal Code the respective limits are 7 and 12 years. But there is this important difference between the law of the two countries, that in India it must be proved that the child is incapable of judging the nature and consequence of his conduct before he can be discharged on that plea. That is to say the burden of proof that his mentality is infantile is thrown on the child. And, as a consequence, it is only the child, who has guardians of standing and intelligence, who benefits by this plea. We are of opinion that the burden of proof should be laid upon the prosecution. The limits of age may be retained as at present. Mr. Master and Mr. Bakhale would prefer, however, to raise the upper age limit to 14.

64. It will be desirable to prescribe that every Court should, in its monthly returns, certify, in the case of every conviction of a child under 12, that proof was offered to the satisfaction of the Court that the child was capable of judging the nature and consequence of his conduct. We would also recommend that, where children may possibly be acquitted on this ground or discharged for other reasons, inquiry should be made whether, in addition to being an accused person, the child may not also be destitute, uncontrollable or neglected, within the meaning of the Children Act and, therefore, eligible for treatment by the Juvenile Court despite the fact that he has been discharged as a young offender. By such means the Children Act can be operated in spirit as well as in letter and right treatment be meted out to a child even if he be acquitted of the offence.

65. It is hoped, however, that in the case of children under 16 conviction together with sentence will be entirely abolished. The question is not merely one of inappropriate terminology. The object of special treatment of children is remedial and penal terms should therefore be avoided. It is true that section 48 of the Bombay Children Act as amended in 1931 lays down that a conviction of a child or young person is not to be a disqualification, but, in practice, it may rank as a disqualification. If the child after becoming an adult is again brought before a Court, the probability is that the Police would miss the provision in the Children Act, and report the conviction as a previous conviction, which in fact it is, in order to ensure enhancement of punishment. In England where there is a similar provision, a juvenile conviction ranks in practice as a disqualification for juveniles subsequently wishing to emigrate. There is no doubt that the ordinary employer in India would be more reluctant to employ a person if he knew that he had been convicted of an offence.

66. It is possible to lay too great a stress upon this argument, but it should not be a matter of difficulty to provide that (except under the

provisions of section 22 of the Children Act which allows imprisonment to be inflicted upon an unruly or depraved young person) the words " convict or conviction " should not be used in the judgment and that in the subsequent order of fine or whipping the word " sentence " should not be used. Imprisonment, fine and whipping are the only punishments known to law and alone fall under the term " sentence".

67. It will be necessary to remove the word " conviction " and " sentence " from the Children Act. At present there is an apparent inconsistency in the use of these terms. The word " convicted " is used in sections 3, 6, 25 and 26 while in section 23 the phrase used is " found to have committed an offence ". This expression means " conviction ", for a legal finding that an offence has been committed is a conviction if embodied in a judgment. In section 23 a judgment and therefore a legal conviction and sentence are apparently unnecessary, and we are of opinion that this form of wording should apply to all orders regarding juveniles except in cases falling under the proviso of section 22.

68. There is still another point in this connection. The Police in Bombay City are reported sometimes to bring before the Honorary Magistrates juveniles who have committed offences of hawking and illegal trading under the Municipal Act, etc., in cases in which a fine is usually imposed. Even in these minor offences, we feel that it is undesirable for the young delinquent to be tried with adults in the ordinary courts as he is thereby denied the chance of specialised treatment available in the Juvenile Court. We are of opinion, therefore, that all cases of offences by children, however petty, should be brought before the regular Juvenile Court, or, if such a Juvenile Court does not exist, then before a Stipendiary Magistrate at a place other than the ordinary Court and at a time outside Court hours.

69. It will still be necessary to retain the system of finger-prints, which has no essential connection with penal law and would be used for a purpose similar to that for which it is used in Civil Law and private transactions, for proof of the identity of the individual.

70. We consider that it is of importance to define the procedure which should be followed both in an ordinary Court and Juvenile Court, when a child under 16 years is brought before it. When a child is brought before the Court the first step should be medical examination. The object of such examination is that firstly evidence as regards age which is otherwise very difficult to obtain may be obtained, and secondly that any physical or mental deficiency may be recorded. If the child is under the age of sixteen, the Court should be bound, unless authorised under section 5 of the Children Act to deal with the case, to send the child or young person to the proper authority under section 6. Section 6 as it exists at present leaves the option to the opinion of the Magistrate who is not of sufficient standing to exercise the powers conferred by the Act, and *a priori* is not competent to decide whether the powers conferred by the Act upon the higher Court should be exercised or not. This is a difficulty which is continually arising in the mofussil, where subordinate magistrates,

through ignorance or carelessness, deal with children under the limited powers they possess (imprisonment or fine) instead of sending the child to a higher Court for suitable treatment. The committal of a child to a competent Court under section 6 should, therefore, be compulsory and the section should be amended accordingly.

71. The constitution of the Bench of a Juvenile Court in the West varies from place to place. The most effective method has been found to be similar to that practised in Bombay City where the bench is composed of a Senior Stipendiary Magistrate sitting in association with an Honorary Lady Magistrate selected from a regular appointed rota. A mistake has, however, been made in Bombay City by the appointment of a too big a rota of Lady Magistrates as the individual turn is too infrequent for good experience to be achieved. In the mofussil, it may be impossible or undesirable to constitute a Bench, but where possible the Court should consist of the City Magistrate at District Head Quarters or elsewhere the Resident Magistrate, sitting with an Honorary Lady Magistrate if available. It is not recommended that there should be many Lady Magistrates. Unrestricted appointment would bring on a number of incompetent persons whose only object is to gain a post of social importance. Only sufficient Lady Magistrates should be appointed so as to provide for a reserve. The appointment of Lady Magistrates for ordinary Court work should be kept separate from the appointment for the Juvenile Court, but, of course, there would be nothing to prevent an existing Lady Magistrate being appointed for the work of the Juvenile Court. It is feared that there will not be a very great scope for choice in the mofussil and the recommendation of the English Departmental Committee that special qualifications should be sought in the Magistrate to be appointed cannot be much more than a counsel of perfection. It would be necessary to rely upon detailed instruction and supervision of the Magistrates.

72. It is true that all the First Class Magistrates are at present authorised to exercise powers under the Children Act, but if there is a Juvenile Court, the District Magistrate like the City Presidency Magistrate should issue instructions that all cases of children should be brought before it. The Stipendiary Magistrate acting singly as a Children's Court or as Chairman of the Bench should be regarded as the Chief Assistant of the District Magistrate in all matters relating to children who come within the scope of the Children Act. To familiarize other Magistrates with the scope of the Juvenile Court, it would be well if they were invited from time to time to witness proceedings as visitors.

73. In Part VII of the Children Act clear indication is given as to the place where a Juvenile Court should be held. Under section 46 sub-section (1) a separate Court can be established. This has been done in Bombay City and the Juvenile Court sits weekly in the Remand Home which is a most convenient arrangement. Sub-section (2) of the same section makes alternative arrangement where the establishment of a separate Court is impossible. We suggest that where this sub-section is

applied in the mofussil, as far as possible use be made of separate buildings, like schools, as is frequently done in England.

74. We agree with the rules proposed by the Burma Committee to the effect that in remanding children to custody :—

(*i*) No person under the age of sixteen shall be detained in the police lock-up or in a jail unless he is so unruly or uncontrollable that it is impossible to provide otherwise for his safe custody.

(*ii*) When a remand home is available any such person shall be detained therein. When no remand home is available the police station officer or the Court remanding any such person shall place him in the custody of any woman or married man who in his opinion is fit to undertake such custody and can be relied upon to produce the young person when required to do so.

(*iii*) The person so entrusted with the custody of any such person shall provide him with suitable food and lodging and shall be entitled to remuneration at a scale fixed by the District Magistrate.

75. During the remand it may be difficult to obtain information about children arrested in mofussil towns. The child may come even from another Province. The best method of obtaining information is through a specific body such as a local Children's Aid Society or a District After Care Society. Where such Societies cannot be established information should be sought from Police, Educational and Municipal sources. The Stipendiary Magistrate of the Children Court referred to above should be responsible for asking for this information. A definite procedure may be laid down for obtaining information and a form prescribed. After enquiry is completed, the child may be sent direct to an institution or otherwise disposed of according to law.

76. The preceding recommendations have dealt more particularly with the extension of the Children Act to the mofussil. In conclusion, the following remarks apply to Juvenile Courts whether in the City or the country.

77. The true function of the Magistrate in the Juvenile Court is to concentrate on the child rather than merely to deal with the offence he may have committed ; as that is the outward symptom, and the underlying cause has to be diagnosed. As the whole purpose of the Children Act is to provide treatment and not punishment, the role of the magistrate of the Juvenile Court is far more akin to that of a doctor or a teacher than to that of a learned dignitary of the Law. The greatest care should be taken in the appointment of the Magistrates, as the right type of men and women are required. In addition it is desirable that those so appointed should be advised to take advantage of any intensive courses of training which may be instituted in the future, and it should be the normal practice not to renew the appointment of such Honorary Magistrate in a Juvenile Court unless he or she has attended such a course.

78. It is essential to establish an easy relationship between child and magistrate and for this purpose care should be taken to make the

proceedings as simple as possible. Strict privacy of the hearing should be insisted upon, and the presence of pleaders avoided, as far as possible, as it is the function of the bench to safeguard the interests of the child. Admission of outside visitors or reporters should be only by permission of the Court and full reports in the Press forbidden. Parents should be encouraged to attend the hearing of their children's cases as the conduct of the child is generally determined by the character of the home-life. In some Courts, as in Bombay City, the Police attend in mufti in order to emphasise the non-penal atmosphere of the proceedings. By such means care can be taken to approach the child on his own level and secure, by friendly means, his right treatment.

79. This appearance of the child before the Juvenile Court often marks a real turning point in his life. The application of the right method of treatment should secure the right degree of protection required by the child either against his environment or against his own unruly nature. Selection of the right method of treatment can only follow proper diagnosis. We wish to emphasize the very great importance of thorough enquiry work and the value of carefully written records of such enquiry. In Bombay City the practice is for all enquiry work regarding the child's antecedents or home life to be made through the agency of the workers of the Children's Aid Society, as the main function of the police is limited, to a great extent to enquiry regarding the alleged offence. The Magistrate will prescribe the method of treatment based largely on the report or reports received. Such methods of treatment provided under the Children Act fall roughly into two classes :—

(1) Treatment in the open by leaving the child in his own parental home or in the charge of a fit person and by providing supervision.

(2) Treatment by committal to some institution.

It is obvious that a policy of too summarily committing to school tends to weaken parental responsibility and the wise magistrate will only use the institutional method when treatment in the open has failed, when the home influence is bad or the child is destitute. Where institutional treatment is the only remedy, then the greatest care must be taken to select the right type of school. It is much to be hoped that, with the establishment of a Juvenile Branch under a Chief Inspector, effort will be made for the preparation of a hand-book regarding methods of treatment in general and in particular providing details as to suitable schools in the Presidency.

80. The Juvenile Court is undoubtedly the hub of the machinery instituted by the Children Act. The adequate operation of the Act undoubtedly depends on the activity of the Police in bringing in cases. Their knowledge of the Children Act will be increased if the lectures, proposed later, are instituted in the Police Training School at Nasik. The inner value of the work, however, must not be assessed on the number of cases actually brought up for hearing, but on the quality of the treatment meted out to the children in the Juvenile Court. On the function of the magistrate depends the future of the child.

CHAPTER VI.

CO-ORDINATION AND IMPROVEMENT OF EXISTING INSTITUTIONS.

81. The first term of reference under which this Committee of Inquiry has been constituted deals with the question of improved co-ordination. According to our interpretation of this term we feel the desirability of making recommendations for both the improved functioning and interaction of existing institutions. By such means we are assured that by the improved efficiency of the work in general, the best use of private and public funds should be secured.

82. In an earlier chapter, we have pointed out the necessity of providing some form of central control for the purpose of more closely co-ordinating existing agencies. We have already demonstrated that, in our opinion the main requirement is the appointment of a Chief Inspector with powers of control, direct or advisory, over the institutions concerned, with responsibility for the proper distribution of grants, and with duties connected with the transfer of children and interchange of staff. Given the appointment of such a Chief Inspector, the work of existing institutions should be much improved under his active guidance.

83. We have received many replies to our institutional questionnaire and from the information received, we are in a position to offer some recommendations of a general nature for the improvement of institutions already existing in this Presidency. These recommendations fall into three categories as they deal with three types of institutions, viz., Remand Homes, Certified and Reformatory Schools and Borstal.

1. REMAND HOMES.

84. The first problem that will have to be tackled is the repatriation of the child from outside this Presidency. Bombay apparently possesses a magnetic attraction for children from all parts of India, who find their way to the City and, owing to the inelasticity of the system, become a permanent liability of this Presidency. In the first place we would point out that, in the one existing Remand Home in Bombay City, experience has shown that about 50 per cent. of the admissions annually registered are of children who have drifted in from outside the Presidency. The problem is not one of finance alone ; it is much broader. Accommodation in Reformatory and Certified Schools is very limited and every such " foreigner " (a term we use for lack of a more suitable word), admitted to one of these schools excludes and will continue to exclude a child of this Presidency who has a prior right to admittance. But it is not merely the Bombay children who suffer, the " foreign " child himself suffers. He is a stranger in a strange land and there are no facilities for teaching his own language ; as it is, there is difficulty enough in providing three or four sets of teachers for the different languages of the Presidency. The present aim of the Remand Home is to repatriate such foreign children provided that their parents are traced, found suitable and are willing to pay their fare. This practice should be extended. *All* children from

outside the Presidency should be repatriated in escorted parties, a suitable male or female escort being provided by the subordinate staff directly under the Chief Inspector or from one of the institutions under him, previous negotiations having been concluded with those local Governments on whom the responsibility for the ultimate disposal of the children will lie. Such children should not be sent to one of the certified schools prior to being so deported as the efficiency of the school is injured thereby. We feel that the maintenance of such children as are homeless should be borne by the Province or State of their origin. This can probably be best arranged on a reciprocal basis.

85. We would make an appeal to all railways of the Presidency to ensure a closer watch being kept by the Railway Police authorities and the ticket examining staff, against children travelling without tickets. The daily migration of children from place to place might thereby be stemmed.

86. With reference to the administration of the Umarkhadi Remand Home we note that the average period spent on remand works out at something between six and seven weeks per head. The undue length of such period is due to the admission of a large proportion of upcountry children about whom lengthy inquiries by correspondence have to be made; to the necessity of maintaining a waiting list of children requiring commitment to school, for whom no vacancies exist at present, and to the fact that the figures include the cases of unruly girls who cannot be absorbed in voluntary schools and so have been committed to the care of the Children's Aid Society as a "Fit Person". This lengthy period is also increased by the unfortunate fact that many children, both boys and girls, on arrival, are suffering from syphilis or gonorrhœa and that many of the aided institutions refuse to accept such children until cured, as they have no facilities such as exist in the Umarkhadi Home, for treating and segregating such cases. In other chapters of this report we have advised the establishment of a regular reformatory school for girls and one or two more schools for boys. The establishment of such institutions will undoubtedly shorten the period of remand detention, as a quicker rate of school commitment will be made possible.

87. So far as the work of the Children's Aid Society in Bombay is concerned, the buildings are lent to the Society by Government, and the major portion of its income is derived from the same source. We are of opinion that it is advisable for Government to assume control of its working through the Chief Inspector and a Committee of Management constituted on the same lines as the Management Committee of the David Sassoon Reformatory on which of course would be representatives of the Children's Aid Society. The same personnel should as far as possible be on both Boards of Management.

2. CERTIFIED AND REFORMATORY SCHOOLS.

88. With reference to existing schools run on reformatory lines, we would point out that the Junior School at Umarkhadi is the only school in the Presidency for boys under 12 years of age. The maximum amount of accommodation, which is for only 60 inmates, is far too small. We

therefore recommend that, if possible, steps be taken by the Children's Aid Society to increase the size of this school and that experiment be made in sending out the more senior boys to outside Municipal schools. The elimination of the girls wing, which is under contemplation, would make this possible. We approve of the experiment now being made to commit boys of this age group to the Junior School up to attainment of the age of 12 years only, when the court will again consider his case, as it seems feasible to expect that, at the conclusion of this first period of detention, the majority of such boys will be found fit for admission to ordinary boarding schools. By such means the number of admissions to senior Reformatory Schools will be reduced.

89. So far as the senior Reformatory Schools are concerned we would suggest that effort should be made to transfer young offenders over 16 years of age who are unruly or otherwise undesirable to the Borstal School, Dharwar. This is legally possible under section 33 (*d*) of the Bombay Children Act but has not yet been acted on.

90. In all schools of reformatory type we advise that action should be taken, where possible, under section 33A (2) of the Children Act for the transference of up-country boys to schools of their own Presidency provided that legislation of a similar character is in force there. We, however, are agreed that the " foreign " child should be retained in the Remand Home after commitment until he is transferred to a school in his own province. We recommend that this section should be applied in respect of foreign children already committed to these schools and we would point out that action should be initiated by the school authorities themselves.

91. One of the major problems in all senior reformatory schools in the Presidency is lack of spare accommodation. In this connection we would point out that the practice of release on licence should be encouraged as a means of reducing the actual term of detention as well as for more general reasons mentioned elsewhere in this report. In addition we would point out that the absence of effective after-care arrangements is causing an avoidable percentage of failure amongst discharged boys. From inquiries made at the Borstal Institution at Dharwar, we found that a certain proportion of the lads had been previously inmates of reformatory schools.

92. Where there are two or more schools of the same grade as in the case of the David Sassoon Reformatory and Yeravda, we think that there should be freer transfer from one institution to another for reasons of health, discipline or training. We have noticed that the technical instruction given in the senior Reformatory Schools bears little relation to the employment which can be found for the boys after discharge. From the report of one school, in particular, we note that of 94 boys placed in work in one given year, only 5 were placed in the trade taught previously in the institution. The organization of industrial training classes should be dependent on industrial openings and duplication of teaching of specialised trades should be avoided as far as possible.

93. Another recommendation we would make in respect of all schools of this nature is that the simplest standard of living should be provided. There is a real danger of inculcating in boys relatively extravagant habits not in keeping with the normal standard of life common to their class, as in such case, boys on leaving school tend to fall into debt in trying to maintain the standard to which they have become accustomed or, if they return to their parents, they cannot easily adapt themselves to their parents' mode of living. The adoption of a simple standard of life also makes for economy.

94. **Yeravda Reformatory School.**—Neither in this school nor in the David Sassoon School is any provision made for the teaching of Kanarese. This should be done in one of them, preferably in Yeravda, and all Kanarese-speaking boys drafted there.

95. **Willingdon Boys' Home.**—We are glad to note that the boys are now being taken outside at times for games and excursions. This is very necessary as the buildings are in the heart of the city and playground space is very limited. We understand that the Salvation Army is contemplating the employment of an After-care worker, and we regard this as important as we feel that this side of the work urgently needs development. There is no system of release on licence. This needs to be introduced. It does not appear to us that Government exercises sufficient control over the Institution as the present system of supervision is inadequate. When an Inspector is appointed, this difficulty will be avoided.

96. **Other Certified Schools.**—We would recommend that Government frame a few simple standard rules regarding management which must be adopted before a Home is certified under the Children Act. For example it is desirable that the Managing Committee should appoint monthly visitors to an institution.

3. BORSTAL SCHOOL, DHARWAR.

97. The comparatively recent establishment of this institution precludes many detailed suggestions being made relative to improvement. It is far from being filled to capacity, which is not as satisfactory a state of affairs as might be at first imagined; the ignorance of some mofussil magistrates has tended to limit the number of commitments of the type of offender for which Borstal treatment is designed, and restricted the period of commitment to such an extent that an adequate period of release on licence is made impossible. It has been observed that there are a few cases of boys who have been committed to the Borstal School who, though certified to be 16 years of age, are more suited by reason of their retarded development to be detained in a Reformatory School. The Borstal School is very new and after a little more experience has been gained we recommend that Government should consider whether it is advisable to take to itself powers to make such transfers.

98. We have recommended elsewhere the transfer of older boys from reformatory schools to the Borstal, Dharwar.

99. The House-masters upon whom rest a very great responsibility are in the main the school masters. These are in some cases hardly of a suitable type for this responsible position, and, unfortunately, being permanent in the Jail Department with no means of transferring them elsewhere, improvement is not easy. Future recruitment should be made, as far as possible, by taking men on deputation from the Educational Department, the deputation allowance being sufficient to attract men of really good record and qualification in their own department.

GENERAL.

100. We would suggest that the word "Reformatory" should be dropped from the names of the schools, and that they should be replaced by names of places or persons. For example the David Sassoon Reformatory School might become the David Sassoon School. This follows the practice already existing in England and has the advantage that, in future years, pride in any certificate or medal gained by the pupil in the school is not lessened by the fact that the name of the school denotes that the recipient was placed in the school by an order of a Court. As general terms we suggest the use of—

Junior Training School,
Senior Training School,
Borstal Training School.

101. We would make one general comment applicable to all schools. The remark in a Visitors' book, which is usually a book open to all visitors, is often a delicate subject. Sometimes the visitor refrains from expressing his real opinion, as such remarks may be misinterpreted by the casual visitor who may follow him. Other visitors may be more candid in their remarks and such opinions may be taken at more than their real value by the casual visitor. A salutary rule has been made in some institutions that the remarks of the visitors from the Managing Committee are not entered in the Visitors' book but are sent direct to the Managing Committee to be considered by them at their next meeting, the Visitors' book being left for remarks of other visitors not belonging to the Managing Committee.

102. Some of the aided certified schools for example the David Sassoon Reformatory and the Byramjee Jeejeebhoy Home and the Children's Aid Society have no pension scheme or Provident Fund for their workers. This matter is important and we feel that the Chief Inspector should help such institutions in drawing up provident fund schemes. If, as is hoped, such certified schools will draw part of their staff on deputation from the permanent cadre of the Department to which the Juvenile Branch is attached, the pensions of this part of their staff would be provided by Government on the usual basis.

CHAPTER VII.

INCREASED INSTITUTIONAL ACCOMMODATION.

103. All the institutions considered in the Historical Sketch are at present filled to capacity excepting the Borstal School, Dharwar. We do not recommend the increase in numbers of Yeravda School or of the David Sassoon Reformatory, as both already have more boys than is advisable if the essential personal contact is to be maintained. Nor do we recommend an increase in numbers of the Willingdon Boys' Home as we regard it as placed in too congested an area to be capable of expansion. The congestion of the Children's Home including the Junior School, Umarkhadi, calls for the most immediate consideration and before considering methods of accelerating the rate of transfer of boys for whom a period at either Yeravda or David Sassoon Reformatories or the Willingdon Boys' Home is deemed desirable, the possibilities of amplifying the numbers sent to voluntary institutions demands attention.

104. It is understood that an educational institution is to be inaugurated in Byculla shortly, under the auspices of the Trustees of the Mahomed Haji Saboo Siddick Trust Funds. This institution has been designed to provide education up to the vernacular and English fifth standards, and technical instruction in a number of crafts, including wire work, basket making, gardening, carpentry, tin plate work, fitting, turning, moulding, iron and brass founding, smithing, pattern making, and general machining. It is intended for the present at least to maintain the establishment on a day basis only, but the creation of a boarding section may be essayed in the future. The terms of the foundation indicate that it is intended for the training of the sons of poor Muslims from the age of 10 years, and that the admission of paying students is to be allowed only if no poor Muslim boy is thereby excluded. Many of the boys in the afore-mentioned reformatories, and the Children's Home are Muslims and most certainly come within the category of "poor." We have reason to believe that the said Trustees will consider sympathetically any proposals made to transfer Muslim boys from the Junior School, Umarkhadi, who are under 12 to the new school for instruction during the day. The Junior School is near the site of the proposed institution and the local Muslim community will, we feel sure, be more than interested in the welfare of Muslim boys who form a large part of the boys passed on by magistrates to the Junior School and the reformatories.

105. Some members of our Committee were privileged to visit the Sir Mahammed Yusuf Marine School at Navha—an excellent institution catering again entirely for Muslim boys. It is hoped that the Trustees will be willing to co-operate with Government and accept at least a few younger Muslim boys from, or otherwise destined for, detention in one of the reformatories.

106. In the chapter dealing with "Weaknesses and Limitations of the Present Situation" a recommendation is quoted from the Report on the Treatment of Juvenile Offenders of 1927 to the effect that "the average period of institutional detention should be restricted to three years in the case of children who have attained the school leaving age of 14 years". It must again be emphasised that what applies in this special connection elsewhere does not necessarily obtain in India, but the employment of the methods of release on license and on probation must have a more profound effect on the question of institutional accommodation than any other consideration.

107. The problem of finding employment determines the degree of the use of licence, and we feel that Government itself and the larger Municipalities could assist in this direction—more especially in the cases of boys who are committed to institutions for no reason other than being in a state of destitution. Boys trained for three years in one or other of the trades of carpentry, painting, motor vehicle repairs, smithing, fitting and turning, in addition to being disciplined, might well be considered for posts as senior apprentices in Public Works Department, Municipality, Dockyard, Royal Army Service Corps or Ordnance Workshops.

108. We have considered the question of training boys in agriculture. It is true that the greater part of the population of the Presidency is engaged in agriculture, but the majority of juveniles who are ordered by the Courts to be detained in certified schools are taken from cities, though in most cases they have been born in rural surroundings and have run away from their guardians to the city. Such boys will seldom return to a rural area after experiencing city life. Thus the main training in the reformatory schools must remain industrial. Nevertheless we feel that there will be sufficient boys suitable for training in agriculture to merit the extension of the present facilities of agricultural training.

109. We recommend that the Yeravda Reformatory School should remain predominantly industrial as at present and a new agricultural Reformatory school should be started. It should be the aim of this school to fit the boy for ordinary agricultural life rather than merely to train him in the raising of irrigated crops. Dry crop farming should therefore be an important element in the curriculum. The care of bullocks, the construction of simple buildings, the preparation of ropes and other simple requisites, hedging and ditching, should be taught as occupations for the quiet time in agriculture. Possibly spinning and weaving might find a place. Trades allied to agriculture, i.e. agricultural carpentry and smithing should be taught on a modest scale, not so much for the actual knowledge gained as to teach manual dexterity and because the agricultural handyman is a valuable factor in rural economy. Any boy showing a real aptitude for carpentry or smithing

can be transferred to a regular industrial school. The best situation for the new school would be near a large village in which agriculture is the chief occupation. If suitable land can be found within a reasonable reach of Yeravda school, it will be at first desirable to found such a camp school under the control of the Yeravda authorities. This will have the added advantage of being near the Agricultural College, Poona.

110. When the time comes for the boy to leave the school, a place should, as far as possible, be found for him in his native village. He should be helped to build a hut and assistance given to him in finding a wife. There is no room in a village for a bachelor. The ideal course for a boy who has no relatives is to draft him on licence to a farm colony to live in a chummery (or club) until a wife is found for him, when he can settle down either in the colony or elsewhere. The colony could be run on the lines of the Irish Presbyterian farm colonies in Gujarat.

111. The Yeravda Reformatory and Willingdon Boys' Home and David Sassoon Reformatory as far as practicable should transfer to the new agricultural school boys suitable for agricultural training and receive back boys more suited for training in industry.

112. It may also be mentioned that a small market gardening section at the David Sassoon Reformatory has recently been amplified because of the increasing difficulty of finding industrial employment, with the ultimate aim of forming an agricultural settlement near Bombay under the auspices of that Institution's own post-detention organization—the Sheppard After-Care Society.

113. The opportunities offered as the result of marine training have been considered in relation to the question of equipping boys for employment at the earliest stage of their sentences. There is a growing national desire for a mercantile marine, and the expansion of the Royal Indian Marine is envisaged. This might conceivably be translated into the provision of a training ship by Indian shipowners or philanthropists in the same way as the David Sassoon Reformatory was founded as the result of philanthropic action. We are aware that the uses of training ships for reformative purposes have been criticised in other countries, but in view of local conditions and the example of the Training Ship "Dufferin" which proves that Indian youths are attracted by a seafaring life, it is considered that the possibilities of the establishment of a vessel for the training of able seamen are well worthy of exploration.

GIRLS' BORSTAL, ETC.

114. Elsewhere in this report, attention has been drawn to the fact that no reformatory school for girls under 16 years of age and no Borstal Institution for those aged between 16 and 21 years exists in the whole Presidency and that in Bombay City, as a consequence, the unsatisfactory practice has arisen of committing unruly girls of the younger age group

to the Girls' Remand Home, Umarkhadi. We are fully aware that there are in Bombay City and elsewhere various rescue homes which serve a good purpose but are not equipped for reformatory uses. Any such combination of work would, in our opinion, be most unsatisfactory as it would lead to the association, in many cases, of young girls with those of the prostitute type.

115. We, therefore, recommend the establishment of a girls' institution of an elastic nature which would provide for the needs of the whole Presidency in securing the equivalent of reformatory school discipline and the Borstal treatment required by the most difficult class of Indian girls. We feel that if this new institution be run on the Cottage System it can successfully cater for girls of both age groups. In the West this system has proved particularly successful as it provides for housing in small groups, for real individualisation in treatment and for the preservation of some degree of family life in institutional surroundings. Girls and boys require different methods of treatment and it must be recognised that although "problem" girls may be far less in number than boys, they are generally of far more difficult quality to tackle. Individualisation for the girl is essential; without it treatment nearly always breaks down. In addition a girl is psychologically less fitted for institutional life. Latent maternal instinct requires a family setting.

116. We, therefore, recommend the establishment of a Girls' Cottage Home outside Bombay City which will cater for the following classes of inmates :—

(1) Girls under 16 years of age :—

(*a*) Sub-normal girls with truant habits.

(*b*) Girls in grave moral danger. By this class we mean girls with undesirable relatives or associates determined to secure their ruination and ready to abet their escape from any institution to which they may be committed for protection.

(*c*) Unruly girls for whom special precautions are required against escape.

(2) Girl offenders aged 16 to 21 years who come within the provisions of the Borstal Act. With reference to this type of girl we would recommend that girls arrested for sexual offences should be committed to one of the existing Rescue Homes, already established, which might be recognised as a place of detention for such cases under the Borstal Act. By such means girls arrested for offences under the Prostitution Act would be dealt with in a regular recognised rescue home and other types of girl offenders would be committed to the Cottage Home.

(3) Small boys under 7 years of age. The object of including small boys would be two fold. In the first instant their presence would help to provide a family atmosphere. By this means the girls would have to mother small boys as well as girls and this would be a valuable factor in the formation of character. Secondly it would be in the interest of the boys themselves. Since the establishment of the Junior School, Umarkhadi, it has been found necessary to admit several small boys less than 7 years of age, who are too unruly for admission to an ordinary school. Experience has proved that little boys of this age require much more motherly supervision than is available in an ordinary junior school for boys. The new Cottage Home will provide for safe detention and proper care of such small boys and through them secure the required family atmosphere. These boys, on reaching 7 years of age, would be transferred to a suitable boys' school.

117. We feel that care must be taken in the selection of a suitable site. It is desirable for an institution of this character to be near a railway or bus route for the purpose of easy transit, to be in a healthy, non-malarious locality and to be near enough to some small town or village in order that children of school age may be sent to the village school and the use of the honorary services of some local doctor secured. In view of the stubborn type of girl to be admitted it will be advisable to have a high outer wall to prevent escapes and to serve as a protection from the attention of undesirable men.

118. As this institution will be run on the cottage plan, we advise that adequate land be secured to allow for extension as required. We also recommend that a start be made with two cottages capable of housing from 15 to 20 inmates each. If possible new buildings should not be erected until sufficient experience has been obtained. Provision would have to be made for a small isolation hut and dispensary.

119. We append a budget of the probable cost of maintaining a Cottage Home of this type. We recommend the appointment of a Lady Superintendent who would have to be a woman with good educational qualifications, with social training or experience and with specially acquired knowledge of weaving. Her duties would comprise general supervision and management and the teaching of weaving and needlework to the older girls. In addition the services of a matron would be required and we recommend the appointment of somebody with either a full nursing training or with that of a maternity nurse. She would then be capable of running the small dispensary and carrying out the medical treatment required for cases of Venereal Disease. With reference to the "bai" provided for in the attached budget we would point out that as the work progresses it would be possible to employ older, trustworthy girls on a nominal salary. The purpose of such an institution would be to provide weaving, needlework and household instruction for the older

girls and to allow for children of school age to receive education in the outside, local school. The ultimate aim would be to work for rehabilitation into ordinary life by marriage, rather than placement in industry.

120. Budget of Maintenance Expenses of the first two Cottage Homes :

	Rs.		
(A) Lady Superintendent ..	100	(average) per month plus quarters.	
(B) Matron	60	,,	,,
(C) House bai	20	,,	,,
(D) Sweeper	15	,,	,,
(E) Cost of 30 children for food and clothing (Rs. 6 per head) ..	180		
(F) Incidental Expenses ..	50		
Rs.	425 × 12	per month.	
Rs.	5,100		

121. There seems no legislative difficulty in carrying out the above proposals, as the Home can be declared a certified school under section 34 of the Children Act and a Borstal School under section 3 (*a*) of the Borstal Schools Act. Similarly a suitable rescue home can be declared a Borstal School for the purposes of section 3 (*a*) of the Act. Section 3 (*b*) of the same Act would enable Government to pass suitable orders for the supervision and inspection of such Homes, as, any officer may be appointed by the Governor-in-Council to perform any of the duties imposed by the Act on the Inspector-General of Prisons.

PROVISION FOR MENTALLY DEFECTIVE AND EPILEPTIC CHILDREN.

122. A home for the segregation and treatment of mentally defective and epileptic children is also urgently required. Under the Lunacy Act of 1912 the word "lunatic" is so defined as to include "an idiot or person of unsound mind". Mentally defective children of the lower grade may fall within the provisions of the Act but no special treatment is provided for children in the Mental Hospitals. No legislation exists for cases of higher grade defectives and epileptics. In addition it must be noted that, in this Presidency, all the Mental Hospitals are already full and accommodation even for lunatics is insufficient. In 1932 no less than 33 mentally deranged children appeared before the Bombay City Juvenile Court. Constructive action in such cases is impossible. In the first place commitment of child lunatics and lower grade mentally defective children to Mental Hospitals is itself only possible in a small number of cases and even then is unsatisfactory as stated above, as no special arrangements are

made in the Mental Hospitals of this Presidency for the adequate separation of juvenile from adult patients. Secondly in the more frequent case of a child who is destitute and legally uncertifiable under the Lunacy Act, the Juvenile Court is constrained to commit him to an ordinary certified school. This is a useless proceeding for a mentally defective child as special treatment is required, whilst normal children are endangered by association. Thirdly cases often arise where parents apply to the court for action to be taken against their own mentally defective children, who are beyond their control, who are both dangerous to themselves and, in influence and example, to other children in the family. In such cases, at present, constructive action is absolutely impossible.

123. We understand that a private Bill, based on the English Mental Deficiency Act of 1913 will be shortly introduced into the Legislative Assembly. We earnestly hope that sufficient support to this Bill will be made available, that it may become law in the near future and that at least one Special Home for mentally defective children may be established to serve an All-India purpose. We fully realise the expense to be entailed and, in view of delay occurring for that reason, we strongly urge action by the Government of Bombay for the proper treatment and protection of mentally deficient and epileptic children of this Presidency who come under the provisions of the Bombay Children Act. We recommend that one of the three following measures be immediately adopted. In the first place it should be possible to open a special ward in an existing Mental Hospital where mentally defective children could be committed for special treatment. We are fully aware of the disadvantages of such a measure—the present congestion in Mental Hospitals, the requirements of mentally defective cases for special treatment are different from what is necessary for lunatics, and the near association of adult lunatics in adjacent wards. A second possibility lies in some private society being approached by Government to open a home for mentally defective children in addition to their present activities. We suggest that, to attract some possible offer, Government should be prepared to offer payment on a capitation basis at some increased rate over and above what is elsewhere recommended for the maintenance of normal children. As a third suggestion, we would recommend that appeal be made to some wealthy and philanthropic donor so that the foundation of a home may be secured by private endowment.

124. Given the provision of accommodation of one of the above types, it will be possible to provide for the segregation and treatment of mentally defective children who have to be dealt with under the Children Act. Pending the passage of a Mental Deficiency Act and the establishment of certified homes of treatment under that Act, this measure of relief will at any rate provide for some effective action, although of a limited nature. We feel that to secure this modicum of treatment in a special school, established either by an existing society or by some philanthropic donor, further legislation would not be required. The authorities of such a school could be recognised as a fit person within the meaning of the Children Act and the commitment of mentally defective

children could be secured by an ordinary order of the Juvenile Court. In the event of one special ward in a Mental Hospital being set aside for the purpose of admitting such children, the amendment of section 47 (*a*) of the Children Act might be required in order to provide for such children being remanded into custody for medical treatment as is already legally provided for in the cases of children suffering from Tuberculosis or Venereal Disease.

Note by Mr. Innes.—

If the system of releasing boys on license is practised to a considerable extent as the result of improved employment finding facilities being inaugurated and made effective, the question of closing the Willingdon Boys Home should be considered with a view to transferring it to one of the Salvation Army's Agricultural Colonies. Despite the devoted endeavours of the body in immediate control to maintain a standard commensurate with the magnitude of Government's financial allowances, the present location of the Home and its limitations so far as recreation is concerned, very definitely forbid reformation work being carried out under conditions conducive to success. The establishment of more than one agricultural "camp" school as branches of the Yeravda Reformatory, the transfer of suitable boys from the David Sassoon Reformatory to such schools, and the possible establishment of a training ship, are factors which govern, and seemingly justify new consideration being given to the activities of the Home in question.

It is suggested that the number of industries in which instruction is at present given at the Yeravda Reformatory might be reviewed for the prime purposes of introducing instruction in the craft of tanning, and eliminating of crafts not closely allied with agricultural pursuits.

CHAPTER VIII.

EXTENDED APPLICATION OF THE BOMBAY CHILDREN ACT.

125. In an earlier chapter reference is made to the fact that the Children Act in this Presidency is only in full operation, in practice, in Bombay City and, to a limited extent, in the Suburban District and, in theory, in the municipal borough of Lonavala whilst in the cities of Ahmedabad and Karachi the sections dealing with offended against children are in operation in name only. Lack of operation, however, is by no means due to lack of crying need: it is the result of social ignorance as to the necessity of action, of lack of energising influence and, in consequence, absence of machinery to put the Act into force. A similar condition existed in Bombay City until the establishment of the Children's Aid Society led to the opening of a Remand Home at Umarkhadi. We are strongly of opinion that this particular field of child welfare work calls for further action in the Presidency.

126. We, therefore, recommend that the Children Act should be put into full operation throughout the whole Presidency. We realise the existence of several practical difficulties. In the first place except in Bombay City and possibly Karachi, local public opinion is still uneducated as to the need of the child, and local agencies will have to be created to shoulder responsibility for providing necessary institutions required for the working of the Act. Secondly we are aware that all existing reformatory schools are already at their maximum strength and that extended application of the Act must mean increase in number

of school commitments. Thirdly we agree that, in the absence of necessary machinery, any such general application of the Act may, in many places, prove only a theoretical achievement. In our opinion, however, the very application of the Act should prove an educational force and stimulate local public opinion on the subject. In addition we feel every child in the Presidency has a right to protection and specialised treatment under the Act and to withhold all action on the score of practical difficulties is to debar every child from enjoying those rights and every progressive magistrate from providing for their fulfilment.. Lastly the general operation of the Children Act throughout the Presidency will obviate the necessity of retaining the Reformatory Schools Act in so far as this Presidency is concerned. Simplification of legislation, we feel, makes for greater efficiency of work, as a multiplicity of legislation on one subject tends to confuse the average magistrate. We, therefore, recommend that the whole of the Children Act be put into immediate operation throughout the Presidency and, in order to secure the utmost practical effect, we suggest that the following policy be adopted in large industrial areas, where some new machinery will be required, as well as in local district headquarters, where even without machinery much can be done to apply the Act both in spirit and in letter.

127. We realise that the main problem in large urban areas, such as Karachi, Ahmedabad, Sholapur, Poona and Hubli, will be the provision of machinery which will be required by the number of destitute, neglected, uncontrollable, offended against and delinquent children expected to be found in such localities. We feel that local societies will have to be inaugurated, through which will be provided a remand home, a probation service, constructive investigation, certified schools and after-care work. We feel that this need can only be met by the co-ordination of public and private effort. We have noted that the central and local authorities in England are accustomed to share the burden of expense over and above what can be met by private charity. In our opinion it seems desirable to attempt the raising of an endowment fund in each of the above areas for the purpose of safeguarding part of the recurring expenditure. Of this the balance should be met jointly by Government and by the Municipality. The new society will thereby escape the need of raising funds annually and also the danger of having to curtail work in the event of future subscriptions dropping. Examination of the existing constitutions of other bodies has led us to the conclusion that the constitution of a Managing Committee on the lines of that of the David Sassoon Reformatory will secure the greatest possible efficiency of work. Under such a scheme one-third of the members would be Government nominees, one-third elected representatives of the donors of trust money and one-third co-opted members. Voluntary support should be encouraged not only for the donation of trust money but also for the endowment of new buildings or the meeting of particular needs in the institutions to be established. We feel that under some such local body, the best arrangement would be available both for the true co-ordination of public and private effort and for the greatest efficiency

of work. It is important that large employers of labour should be represented on the Committee.

128. The function of such a mofussil society would be fourfold :—

(1) The establishment and up-keep of a Remand Home.

(2) Employment of outdoor staff for the inquiry work required by the Juvenile Court.

(3) Supervision of children from local homes dealt with by the Court and of persons discharged on licence from Reformatory or Borstal Institutions in the Presidency.

(4) After-care of juveniles discharged from any of the above institutions to their homes within the locality concerned.

129. We feel that, in the development of such an important work, the guidance of the Chief Inspector and of his Inspector will be required, and that much responsibility will devolve upon them both for the creation of mofussil societies and for their central control.

130. The first essential institutional requirement will be a Remand Home. It is necessary to have some centre where children whose cases are before the Juvenile Court may be kept under temporary detention until inquiries are complete. In view of the fact that such juveniles are in reality under trial, precautions must be taken against their escape. It is, therefore, advised that a suitable building be leased in the first instance, which possesses not only good compound space but an outer wall. The average child on remand has to be guarded against himself and the first human reaction against arrest is to attempt escape. It has also to be remembered that the building must have sufficient accommodation for the reception of children of both sexes, for the inclusion of a Juvenile Court room, and for the provision of office premises where detailed individual case records may be filed. Many of the children to be dealt with will be found to be up-country destitutes and, in such cases, up-country correspondence will be required if their eventual repatriation is to be secured.

131. For the purposes of budgetting for the expense of providing a Remand Home for a large area like Ahmedabad City, it has been considered necessary to make suitable provision for the maintenance of an average of 12 children on remand per day. The senior staff would consist of a Superintendent who would also act as Chief Supervision Officer and Outdoor Worker. He would be assisted by his wife or some other woman and by an Assistant Superintendent who again would combine indoor and outdoor duties. Medical supervision would depend on the voluntary service of some outside doctor. Appointments to the above paid posts would be no easy undertaking as men and women of the right type are required with experience in social work, with sympathetic understanding of child nature, and, if possible, with social training in this particular branch of work.

132. In addition to a Remand Home, local schools for permanent commitment purposes will be necessary. Endeavours must be made to secure as much help as may be available from schools and orphanages already existing. With the certification of such local schools,

commitment to the recognised reformatory schools of the Presidency will only be resorted to in cases of more recalcitrant children aged over 12 years of age.

133. The following budget estimate of the cost of a Remand Home with the necessary indoor and outdoor workers may be taken as a rough guide :—

	Rs.	
(1) Hire of building for the Remand Home ..	120	p.m.
(2) Resident Superintendent and Chief Supervision Officer (100—140)	120	,,
(3) His wife or other woman worker ..	30	,,
(4) Resident Assistant Superintendent and Supervision Officer (65—5/2—80) ..	75	,,
(5) Cook	25	,,
(6) Watchman	20	,,
(7) Feeding charges for 12 children at average of Rs. 5 per head	60	,,
(8) Miscellaneous	50	,,
Rs.	500	p.m.
	×12	
Rs.	6000	p.a.

Of this recurring expenditure half might be met by Government and Municipality and the balance would have to be found by the local society.

134. In the other areas of the Presidency the need for special machinery will probably not exist beyond the provision already proposed for Juvenile Court administration. We strongly feel that with the establishment at every district headquarters of a Juvenile Court as outlined in Chapter V the Stipendiary Juvenile Court Magistrate can be made the pivot for the development of the work both in the district headquarters and in the surrounding areas. The establishment of district remand homes, as already pointed out, is not an essential requirement and arrangements can be made to board out remanded children in a place of safety within the meaning of the Children Act. Schools in other parts of the Presidency would be available for commitment purposes. Each District Headquarter Juvenile Court Magistrate should be made responsible for endeavouring (*a*) to make suitable arrangements for dealing with juveniles throughout the district, (*b*) to organise a system of probation as far as may be possible, (*c*) to establish proper enquiry work in connection with cases brought before the Juvenile Court, (*d*) to supervise arrangements made for the detention of children on remand, and (*e*) to direct any after-care work which may be required for children of the district discharged from certified schools.

135. If the above recommendations are accepted, each leading urban area will be equipped with its own local society responsible for the practical operation of the Children Act and each district headquarters will have a Juvenile Court Magistrate acting as the pivot of the work for the whole district.

CHAPTER IX.

AFTER-CARE.

136. After-care may be defined as that protective attention which should be afforded to young persons discharged from reformative institutions either on licence or on expiry of the term of commitment. The necessity for a well organized system of after-care cannot be over emphasized. To quote from the English Departmental Report of 1927 :—

> "However liberal the principles on which an institution is run, the conditions of life in it must inevitably be different from those of the outside world. The lad or girl who has done well in the institution may fail when brought into contact with the hard facts and temptations of life. It is then that sympathetic advice and help are needed. The whole value of an expensive training may be thrown away if they are not forthcoming at a critical moment."

137. From inquiries in different schools we have ascertained that after-care is carried out only to very limited degree and that release on licence is only generally practised by the authorities of the Borstal Institution. It is true in eight districts Borstal After-care Societies have been formed but too little time has elapsed to test the efficacy of the work carried out. In addition we have found that attempts made by the authorities of the Yeravda School to keep in touch with old boys have proved frequently ineffective. Receipt of information about old boys and even mere placement in work, essential as the latter may be, does not constitute after-care in the widest sense. In Bombay City we found that more concrete efforts of assistance to boys passing out from the David Sassoon Reformatory School were being made through the agency of the Sheppard After-care Association. The Chairman and Secretary of both Managing Committees are one and the same. This After-care Society provides a hostel in Bombay City for homeless, discharged boys and keen efforts are made to secure satisfactory employment for as many boys as possible. The upcountry boy, discharged to his native place from school, and the boy with his parents in Bombay do not, however, appear to receive after-care in its real sense. So far as the Willingdon Boys' Home is concerned, no After-care System exists but it is understood that steps are being taken to remedy this defect.

138. In favour of a system of after-care the potential financial savings provide an argument of great weight. Thus the experience of the David Sassoon Reformatory, for example, shows that a boy committed to it for a period of five years involves the expenditure of approximately Rs. 1,200 by Government. There is no question that release on licence after three years' instruction can be arranged with safety in many of these cases if employment is available. If, therefore, adequate arrangement exists for securing employment for, and maintaining supervision over, young lads, they can be released on licence from reformatories, certified schools and from Borstal some time before they

could be discharged otherwise. Boys have to be committed to these institutions for a period sufficiently long to ensure that the treatment will have the desired effect. Thus it is advisable that the Magistrate should give a long period of detention and leave it to the school authorities to release on licence when the boy has learned a trade and is otherwise fit. At present there is a tendency in some areas for the Magistrate to give as short a period as possible, as he is aware that there is a practice of keeping the children in the institution for the whole period and he wishes to lessen the cost. Unless there is an adequate system of after-care there is no prospect of children being released on licence and the funds available are not utilised in the best possible way.

139. The organisation of a system of after-care in a big town like Bombay or Ahmedabad or Karachi will be very different from that in the average mofussil district for the simple reason that, in a town, there will be many more boys needing after-care. Moreover, in industrial towns, opportunities for the employment of groups of lads in one place are available, whereas in an agricultural area it will be exceptional to find employment for more than one boy with one master and rare also to find employment for two boys in the same village. Two distinct systems are necessary therefore, but there are certain principles common to each which we shall explain first.

140. The first essential is that the boy shall have employment found for him as, in most cases, it is inadvisable to release a boy until work has been secured. We would stress the fact that employment should, as far as possible, be in the trade which he has learnt at the school; we emphasise this as it rarely happens at present. If, as is bound to happen sometimes, it is impossible to find the boy a job for which he has been trained, at least efforts should be made to find him employment of a nature which offers permanent prospects and utilises, to some degree, his training.

141. The second essential is that he should be provided with decent living accommodation. Provision of a respectable job by day serves no purpose if the night is spent with bad associates. Experience shows that, if boys are left to themselves, they tend to sleep outside teashops and hotels, places which are generally the resort of bad characters.

142. The third essential is that the boy should have the advice of some sympathetic person who is always ready to help him and on whom he can rely if he gets into trouble, and who will gain the confidence and trust of the boy.

143. Occasion may frequently arise for providing help other than the above. For example the boy may need tools for his work; he may need clothes though he is usually supplied with these on leaving the school; he will frequently need money for food and lodging until employment can be found. In such cases these may be provided. They should not be given; but should be paid for in instalments when the boy begins to earn. Charity should be avoided as far as possible because the object of after-care is to assist a boy to be self-reliant.

144. The agencies we suggest for carrying out the above principles in the mofussil are the District After-care Societies which have already been sanctioned by Government. The model constitution approved by Government already permits such a Society to undertake the supervision of children under the Children Act as well as lads under the Borstal Act. The constitution should be so amended that the Juvenile Court Stipendiary Magistrate, who will be the Assistant to the District Magistrate in matters relating to juvenile delinquents, should be Chairman of the Managing Committee of this Society. If the Society is too poor to finance a paid Secretary, he might himself perform these duties. The Secretary will carry on correspondence, find a supervisor* to care for each boy proposed for release and arrange for the meeting of the two. The Committee will enlist voluntary workers as required for supervision. The system of payment by capitation fees has many disadvantages but it may be necessary for some societies to pay its supervisors by capitation fees in order to get the work done. The supervisor should send regular reports through the Secretary to the head of the school or, in the case of the Borstal lads, to the Secretary of the Central After-Care Society. If the reports of those on licence are consistently unsatisfactory or the terms of the licence have been broken, the licence may be revoked. Government may give a grant-in-aid not exceeding one-half of the expenses, subject to the satisfactory working of the Society, and in particular to the appointment of the Secretary of the Society being approved by the Inspector.

145. We advocate that the after-care societies be encouraged to draw their Secretaries and paid supervisors on deputation from a permanent Government cadre of trained persons under the Chief Inspector. Such persons should be drawn from existing posts of the Department to which the Juvenile Branch is entrusted and new recruits appointed to fill their places. When these persons are no longer required by a society on deputation they would revert to the general work of the Department. For example if the Juvenile Branch is entrusted to the Backward Class Department such a Government servant would on reversion be absorbed in settlement work. It would be necessary therefore for this Department to select men suitable for this kind of work when filling up their vacancies and to arrange for their training.

146. In Bombay City a more elaborate and effective organization is required than in the mofussil. The Sheppard After-care Association is limited to dealing with the old David Sassoon Reformatory boys but if possible it should be brought into the scheme which we are now about to describe. We recommend that a City After-care Association be formed. As its chief function will be that of an employment bureau it

* In passing we would explain that there is a difference in function between the person who cares for and supervises a juvenile released absolutely or on license from an institution and a person who has the oversight of one who has been released by a court on probation of good conduct. Sometimes the word supervisor is used for the person who undertakes the former duty and probation officer for the person who undertakes the latter type of work. Since however the general methods of control and advice are akin in the two cases and the same person usually performs both functions, the word supervisor and Probation Officer are usually used as equivalent words and are so used in this Report.

should be mainly composed of influential employers. For example we would suggest that Local Authorities, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association, the B. B. & C. I. and G. I. P. Railways, the Bombay Electric Supply Companies, and Shipping Companies and similar bodies be asked to appoint representatives to it. One of them should be nominated by Government as its Chairman. To ensure co-operation, representatives of the Sheppard After-Care Association, Willingdon Boys' Home and one or more members from other certified schools should be on the Committee. The total number of members should not exceed twelve. Its Secretary should be the Inspector, whose appointment we have recommended elsewhere and whose Headquarters should be in Bombay City. Government should provide his services and contribute towards other expenses. There are many advantages in groups of boys being employed in the same concern. The resultant advantages of continuing school companionship, common working interest and even of supervision is very important. The presence of important employers of labour on the Committee will facilitate this.

147. A new After-Care Hostel should be started in a suitable area. There is no reason why the Sheppard After-Care Association should not rent part of these new premises and thus render a considerable measure of joint control possible. We recommend that this Home and the office of the Inspector should be in the same block of buildings. Homeless boys of Bombay City, on release from certified schools or from Borstal who cannot be absorbed elsewhere, should be accommodated in this hostel. Until outside employment is found, care should be taken to provide some form of handicraft work on the premises and so prevent boys lapsing into idleness. It is at the hostel that these lads will be introduced to their respective supervisors.

148. It may be observed that, during the past two years, the character of the Sheppard After-care Home has somewhat changed, inasmuch as it has become the permanent residence of a growing number of employed boys instead of a temporary abode between discharge from the David Sassoon Reformatory and placement in work. Provided that a sufficient number of persons may be available for voluntary supervision work, the establishment of "chummeries" or "clubs" can be essayed for the accommodation of ex-hostel boys. It might be advisable for the Committee itself to hire rooms in a chawl or other building in the industrial area and convert these into a chummery. The difference between these chummeries and the hostel referred to above is that a chummery is merely a place where boys can live at night, going out by day to work and having the utmost freedom. There is no internal supervision; there is no staff unless, for the sake of convenience, the boys wish to pay one of their number or some servant to make arrangements for their meals. This, however, should be left to the boys themselves. The boys will be under the guidance only of their supervisors who will be voluntary workers living elsewhere and only visiting the chummery sufficiently to keep in touch with the lads. The hostel itself, however, will be run by a paid staff and the boys will be under discipline. If a

boy prefers to live alone, however, and in any case where he finds employment in an isolated place at which there is no possibility of his sharing a room with his late comrades, he should be found a suitable lodging by the supervisor.

149. The remaining function of the City After-Care Association will be to secure the supervisors, who will act as personal guides and advisors to individual boys. To secure the services of such after-care workers for the supervision of boys in chummeries or of boys from mofussil schools with parental homes in Bombay, we recommend that the After-care Society makes use of the supervision workers already obtained by the Children's Aid Society, as the duplication of grades of workers is to be avoided as far as possible. We feel, however, that the best means of supervising boys discharged from the David Sassoon Reformatory and Willingdon Boys' Home to their own local homes will be achieved not through the services of outside supervision officers but through the personal activity of members of the staff of the school from which such boys are discharged. One weakness of supervision work will thereby be avoided as the supervising officer will already be known, personally to the boy. It is advisable, however, for the After-Care Society to have one paid supervisor in Bombay City as there will be a sufficiently large number of boys in one locality to make their supervision a whole time job for one man.

150. We are agreed that, where certified schools are established in urban areas in the mofussil, as for example Yerawda, the school authorities should, wherever possible, run a small after-care hostel or chummery to prevent unnecessary numbers of boys coming to Bombay City. We are also of opinion that the responsibility for the local after-care in the vicinity of such schools should be upon the school management and largely carried out by its staff. In large urban areas such as Ahmedabad it will also be advisable for the local After-care Society to develop the idea of these chummeries to prevent the boys from wandering. The assistance of outside supervising officers may be required and the local After-Care Society, which will be established for that district, should assist in finding such supervisors. It would be important that a representative of the school should be on the Committee of the After-care Society to ensure co-operation.

151. The early adoption of some system of after-care similar to that described above is, we consider, one of the most pressing needs of the moment. We would advocate its trial the more strongly because it will make little demand on public funds, certainly no more than will be saved by the resultant early releases on licence which will become possible. It is essential in order to round off and complete the treatment of juvenile delinquency and will, we are convinced, lead to an immediate and very considerable reduction in the percentage of failures of boys from institutions for reformative detention.

152. It has to be admitted that we have concentrated on the problem of after-care mainly from the point of view of the discharged boy. The very great disparity in numbers between boy and girl commitments to

school accounts for this. We believe, however, that after-care is even more essential to the girl on discharge from school as she is by nature both psychologically more responsive to individualised treatment and physically more in need of protective care. We, therefore, recommend that all school authorities dealing with destitute or delinquent girls should take immediate steps towards the formulation of schemes for after-care. Normally a girl leaves school to enter one of three spheres—re-absorption in her own family, settlement by marriage, or placement in work. Absence of after-care in any of these spheres is likely to result in her moral ruination. Wherever possible such after-care should be by means of continued personal contact through senior members of the school staff. In many cases, however, this will not be possible, in which case steps should be taken by the school authorities concerned to affiliate with the nearest after-care agency, through whom, it is hoped that the services of a few women supervisors will be obtained.

CHAPTER X.

PROBATION.

153. The term "probation" is frequently loosely applied to mean one or other of two forms of lenient treatment on an offender's appearance in Court. The first interpretation which may be considered involves the discharge of the offender conditionally on his entering into a bond with or without sureties to be of good behaviour, and to appear for conviction if called upon at any time during a period specified. The second use of the term implies that a similar recognizance is undertaken, but with an added provision binding the accused person to place himself under the supervision of a person designated by the Court. This supervisory method is covered by the issue of a probation order, and the supervisor is termed a probation officer. It is the second interpretation on which we propose to dwell, as it covers that form of probation likely to be productive of the most satisfactory results. In India, however, there is no Probation Act. Under the Criminal Procedure Code, section 562, the term "probation" is used but no means of outside supervision is provided and the average offender so dealt with, merely construes this sentence as being simple discharge and nothing else. In the Bombay Children Act, however, provision is made for supervision up to a period of 3 years by a person appointed by the Court in the cases of either neglected, offended against or delinquent children. It has, however, to be noted that, under the Children Act, supervision can only follow on conviction where a young offender is concerned. This is a serious limitation as probation of the true type implies escaping conviction through good conduct.

154. To amplify the Children Act in this respect we recommend that the Bombay Government so amend it to admit the suspension of the proceedings against a juvenile, such suspension being conditional on the good conduct of the juvenile under supervision. It is understood that the Government of India has the introduction of a Probation of

Offenders' Bill under consideration, and in subsequent comments it is assumed that one or other will become operative in the near future.

155. Treatment by probation or supervision is treatment in the open. Commitment to an institution is avoided and supervision is given in the home. Elsewhere we have stressed the limitations of institutional treatment in providing adequate training for real life. Given supervision, we would point out, that advantage is frequently secured not only by the one person placed under supervision but by other members of the home as well. Commitment of a child to an institution undercuts parental responsibility but treatment on probation directly strengthens it.

156. Friendship is the essence of supervision or probation work. The officer, appointed by the Court, acts in the capacity of an adult friend—or, to use an American term, as a big brother or big sister. Regular visits have to be paid to the child in his home. At the beginning of the period of supervision, frequent visits should be paid to the child's home. Later it is advisable for the child to meet the probation officer at his house. As the majority of children will be neither attending school nor going to work effort will have to be made by the probation officer to secure school attendance on the part of children of school age and to provide safe avenues of employment for those of an older age group. Careful records have to be kept by each probation officer of the facts of each visit, and monthly reports must be submitted by him to the local officer in charge of this work. In the case of absconding, recalcitrant children prompt action must be taken in reporting the matter to court for advice as to further action.

157. The probationary system in Great Britain can be said to have developed in an extremely successful manner as an alternative to detention in reformatory and Borstal schools and prison, but there are many conditions obtaining in India which compel a note of warning to be sounded to those who expect, by its adoption, immediately to close numbers of reformative institutions. The supervision of an offender in his or her normal surroundings by a probation officer, possessed of those personal qualities likely to exert an influence for good, is relatively easily carried into effect in a country where destitute children form a negligible portion of the population, where trained probation officers exist, where suitably trained magistrates sit in authority and where there is compulsory education.

158. These conditions do not obtain in the Bombay Presidency, and until the situation is improved by the introduction of at least some of the recommendations made in this Report, and more important still by an awakening of social responsibility generally, " probation " itself must be on probation for many years to come.

159. Experience elsewhere clearly indicates that its substitution for the cruder methods favoured in the past makes heavy demands upon the knowledge and discretion of the officials of the Court from the magistrate downwards. Some magistrates in England have been disinclined to utilise the services of probation officers on the grounds that the latter are

not effectively supervised. Others, conversely, make too liberal use of probation, till after repeated failures, the child grows too old for any alternative to imprisonment. Probation in a completely unsatisfactory home must fail and to prolong it unduly results in the child being robbed of the chances of early training in a good reformatory on which, more than on anything else, depends the prospect of his or her becoming a useful citizen.

160. Three methods of organizing probation work exist in different countries. The first is by the utilization of entirely voluntary assistance. Such help, however, requires some modicum of control. The second is by the organization of voluntary help through the services of a paid Chief Supervisor. This has been the practice in Bombay City, where the Chief Supervisor is one of the paid workers of the Children's Aid Society. Given the selection of the right type of men and women and the provision of some means for their intensive training, this method can be worked satisfactorily. Another method is by only paid workers. This is naturally the best means of producing the best results but considerable expense is involved as the work should be well paid. In this connection we would, however, point out that probation by paid workers is far less expensive than commitment to institutions. One full-time paid worker should be able to deal with from 50 to 60 probation cases each year.

161. We consider that in the mofussil there will be a comparatively small number of cases and as probation and after-care work are in many ways very similar we propose that probation should be regarded as one of the functions of the District After-care Society. Every probation officer whether paid or voluntary has to be approved by the Court before the latter entrusts a case to him.

162. The work of probation officers should be subject to the general advisory control of the Chief Inspector, who will be ready to assist Courts in the supply and selection of individuals. In Bombay City there will be a sufficient number of cases to employ one or more full-time probation officers for the supervision of offenders over 16. So far as children under 16 are concerned, the present system should continue whereby the Children's Aid Society provides all the officers required, if such persons, who at present are, with one exception, volunteers, prove themselves equipped after taking a course in social training.

CHAPTER XI.

LEGISLATION AND RULES.

163. In many parts of this report we have already proposed modification of existing legislation. We propose now to mention a few remaining points on which we consider action is required.

THE BORSTAL ACT.

164. There seems to be some doubt in view of a recent High Court ruling if section 6 (*b*) of the Act covers the case of the lad who is brought

before a Court for the first time, but concerning whom nothing can be ascertained regarding his previous history or associations. Such cases are likely to arise if a boy has run away from home to a city, commits an offence and refuses to disclose his past history. It should not be necessary to wait for a second conviction in such cases to prove criminal habits or tendencies. In the words of the English Report of 1927 :—

> " Prominence should be given rather to the need of training than to the existence of formed criminal habits. Commitment should be made to depend on the decision of the court, after full consideration of the young offender's personal and social history, and his mental and physical condition, that owing to his tendency to anti-social conduct and breaches of the law he stands in need of training in the duties and responsibilities of a citizen; and further that for this purpose the supervision of a probation officer will not suffice, but that the offender needs training in a residential institution."

RULES.

165. Rules under section 52 of the Children Act should be issued by Government in detail regarding the management of certified schools, the method of detention of children on remand and the procedure to be adopted in both Juvenile Courts and also in any cases of enquiry under the Children Act coming before any other courts.

CHAPTER XII.

TRAINING.

166. In previous chapters we have frequently referred to the prevailing ignorance on the treatment of destitute children and to the necessity for certain workers to take some course on questions relating to juvenile delinquency. We have made enquiries into the various courses of social training which are already available in Bombay in order to see to what extent they deal with our problem and whether they could be modified to suit our special requirements.

167. As far as our enquiries led there are three existing courses of study and two projected. One is provided by the Social Service League and consists of a series of lectures. The course however is of so general a nature that it can scarcely be made to constitute a training course of the specialized nature we require. The purpose of the course is to enlighten students as to the needs of social work as a whole.

168. At the other extreme there is a University post-graduate course covering a two-year period. In an M.A. course the learning is deep and covers a very wide area including the whole sphere of social work as well as economics, philosophy, etc. There is no practical training in social work given. As in most post-graduate courses the real training is that of teaching students to do research work with the object of writing a thesis, i.e., a training for academic rather than for practical life. It follows that the problem of juvenile delinquency is scarcely touched.

169. The University Women's Settlement has a one year's diploma course in Sociology. It is open only to women who have passed the Matriculation examination. Like the University Course it is too wide and general to be of real value for our purpose.

170. We were interested in a project which the Wilson College has under consideration for a two years' diploma course in Social Training. It is proposed that the diploma should only be granted to those who have already a degree though other students would be admitted to the course. The theoretical part of the course is very wide but it is proposed to have a practical part extending over two long vacations. The details have not been worked out but there is a possibility that it may be made to cover the particular problem of juvenile delinquency and its treatment for those students who wish to specialise in this field.

171. We are also informed that the Gokhale Institute of Politics and Economics, Poona, which is already recognised by the Bombay University, as a post-graduate research centre might institute a course on juvenile delinquency and its treatment. They would have the advantage of being already in practical touch with social work.

172. It will be seen that all the existing courses suffer, in our opinion, from a lack of specialisation and from absence of practical training. The importance of this omission becomes apparent when it is realised that very few of the students who have taken any of these courses have later taken up posts in institutions dealing with juvenile delinquents. One or two posts are held by persons with English or American degrees or diplomas in Social Training but the remainder on first appointment had no theoretical or practical knowledge of the work.

173. If the other recommendations in this Report bear fruit there will be a need in the future for a considerable body of trained workers. We would like to get the best possible type of men or women and we hope that the prospects which are offered in the way of initial pay, pension, prospects of promotion, etc., will be sufficient to attract University graduates, men and women of wide culture and with specialised knowledge of the problem of Juvenile Delinquency. We must insist on this specialised training and we would suggest the inclusion in the curriculum of one or other of the above courses either as a general part of it or as a special optional subject a syllabus based on the following : Provision should be made for the devotion of at least three months' study of the problem of Juvenile Delinquency in its widest aspect and one-third of this period should be allocated for practical institutional work. During the first two months a series of lectures should be arranged dealing with the underlying causes of Juvenile Delinquency, right methods of treatment, types of institutions, the probation system, Juvenile Court administration, etc. Lectures should include the following subjects :—

(1) Causes of Juvenile Delinquency in general and in particular in Bombay City.
(2) Main forms of Juvenile Delinquency.
(3) Children Act Legislation with special reference to the Bombay Children Act.

(4) Juvenile Court Administration in the West and in Bombay City.

(5) The Functions of a Remand Home.

(6) Treatment in Institutions. (Reformatory and Certified schools.)

(7) Treatment in the Open. (The probation system in the West and that of supervision under the Bombay Children Act.)

(8) The English and Indian Borstal Acts and Borstal Institutions.

(9) Criminal Tribes Settlements.

(10) Constructive Case Work.

(11) After-Care and Early Discharge.

(12) The Social Significance of the Problem of Juvenile Delinquency.

(13) The Functions and Equipment of Social Workers attempting the solution of the problem.

During the two first months' theoretical study period, time should be made available for visits of inspection to local institutions and for sufficient attendance at Juvenile Courts to allow for following up cases. The third month we recommend to be spent entirely in practical work in not more than two other institutions and we advise that confidential reports be submitted by the authorities of such institutions as to the capability of the students. Further we recommend that in the Final Examination at least two 3-hour papers be set for students taking the course on Juvenile Delinquency and that, in the award of the degree, due regard be paid to the practical as well as the theoretical work of students following the prescribed course.

174. To those who under-rate the importance of the above suggested syllabus we might point out that it is very much more modest than the courses prescribed in English Universities such as Birmingham, Liverpool, etc., where the special course usually extends to at least a year instead of three months and provides for a great deal more practical training. But the above course can be considered as a minimum and its successful completion as a sufficient qualification for posts in the cadre of workers, the institution of which we advocate elsewhere in the Report.

175. If none of the above bodies is inclined to amend their curriculum as we suggest, then we recommend that Government should institute an examination based on the above subjects. We do not propose that Government should undertake the teaching of these subjects; as regards the theoretical part, the students must rely on such lectures as they may attend elsewhere including those mentioned in the short course below, and on private study. In this as well as in the practical part they should be guided by the Chief Inspector who will also be the Chairman of the training body. For passing the written examination and complying satisfactorily with the practical part a diploma should be given.

176. It is realised that even if the authorities concerned make the changes we suggest in their syllabi of social study or alternatively if Government does institute its own diploma we shall not have provided

for all cases. The University Course is at present an M.A. Course (though we should like to see its inclusion as an under-graduate course as well), the Wilson College intends to give a diploma to those who have passed the B.A. degree; the University Settlement Social Training Centre is for women only. It is very necessary that some course of study should be available for those who cannot satisfy the above requirements and particularly for those who are already working in or for the institutions we are considering. For example we would point out the desirability of such facilities for a short course of intensive training being made available for Honorary Magistrates (men or women), probation officers and institutional and after-care workers who are debarred from taking a full University course. Most of these workers have had no theoretical training and their practical training is confined to the particular work they are doing and has been picked up as they went along. A short course of study on general lines would be invaluable for them. We recommend therefore that Government should institute an annual course on Juvenile Delinquency. It should be organized and generally controlled by the Chief Inspector. Lectures should be given by officers of the Juvenile Branch and by other experts who may be available—professors in the University, officials of individual institutions, etc. Visits to as many institutions as possible and to the Juvenile Court should be arranged and all the practical work both inside and outside institutions should be demonstrated and explained. Selected officers of institutions and workers of District After-Care Societies and also selected Magistrates should be sent to this course.

177. In addition to the above we think it would be advisable to include a short course on Juvenile Delinquency and its treatment and in particular on the working of the Children Act in the syllabus of the Police Training School, Nasik. The necessary lectures could be arranged by the Chief Inspector. Further, in order to remove in part the ignorance of magistrates on the treatment of juvenile offenders the inclusion of the Children Act and Borstal Schools Act in the Higher Departmental Examination for Assistant Collectors and in the Qualifying Examination for Shirastedars and ministerial officers (from whose ranks Mamlatdars are largely recruited) should be considered. This would be in addition to the course suggested above for selected magistrates, a course which would be taken some time after the passing of the above examination.

178. As there is no suitable literature on the subject at present, a simple manual should be prepared for the guidance of all those connected with the administration of these Acts in this Presidency.

CHAPTER XIII.

FINANCE.

179. Many of the proposals in our Report involve the expenditure of money, both recurring and non-recurring. Not all of this will fall on Government, however, and we think it desirable to lay down certain

principles on which a distribution between Government and other bodies should be made and also the form which Government assistance should take.

180. In the first place we consider that priority for assistance amongst institutions for the maintenance of children from Government funds—(apart from the educational grants)—should be given to these institutions for children which accept certification under the Children Act. We are aware however that there are other special institutions such as blind schools, deaf-mute institutions, foundling homes and other special institutions where, owing to the heavy additional expenses and the specialized nature of the work, a Government grant is justified though they do not come within the scope of the Act.

181. A definite liability of Government occurs in the case of all institutions to which children are admitted by the order of a Court. The Courts are essentially a Government institution and once Government exercises its powers through the Court, it must assume the consequent liabilities. The first institutions to be considered are the Remand Homes where children are first admitted and kept pending enquiries and final decision of the case by the Court. Partial liability of Government is therefore evident but we consider that the liability does not wholly fall on Government. We feel that Municipalities should be called upon to bear a proportion of the expense of maintaining such charitable institutions. Their liability for the care of destitute children who would otherwise roam the streets and beg or steal is at least as clear as that for the care of leper and lunatic. It is an obligatory function of the Municipality to provide relief for destitute adults in times of scarcity and it seems equally a duty to provide relief for homeless children, who are destitute because they are too young to be self-supporting. We recommend that this should be specifically provided for, as an obligatory function, in the Municipal Acts by necessary amendment of these Acts, instead of relying upon the general discretionary clauses such as section 56 (*1*) of the Bombay District Municipal Act. Similarly the general public has a liability in respect of these Remand Homes, for what can be a more fitting form of charity than the protection of homeless, defenceless and destitute children ? We do not wish to lay down any proportion in which these liabilities should be shared ; we content ourselves with the hope that each party will recognise and assume its responsibilities.

182. When the Court has passed an order of commitment for a long period to a certain institution we consider that the liability of Government becomes even more marked. In the case of institutions which are of a reformative type and have an all-presidency character and in whose management Government must have the final control, we think that this liability should fall wholly on Government, at least so far as running expenses are concerned. The munificence, however, of such distinguished persons as the late Mr. David Sassoon, who founded the Reformatory which bears his name, cannot be commended too highly and it is hoped that his example will be emulated by other philanthropists of this Presidency.

183. Many children are committed by the Court to private certified schools which differ in many respects from the above institutions. Firstly they are at present local in character. Secondly they are schools which take, primarily, children selected by themselves and not sent by the Juvenile Courts. Thirdly they are essentially private institutions. As regards the teaching element of these schools, they are entitled to the usual educational and technical grants both from the Municipalities and from Government but, as regards the maintenance of the institutions, board, etc., they should depend largely on private charity. In so far, however, as these certified schools admit children committed by the Court they are entitled to Government assistance if they desire it. This has been recognised by Government in the past, but there has been no uniformity in the practice of making these grants. Government has contributed through the Children's Aid Society in the form of a capitation fee for each child committed to these schools but in some cases it has made block grants in addition. We do not think it desirable that Government contribution should be thus divided under two heads. Confusion is likely to occur and has actually resulted. Some institutions which received block grants from Government before the introduction of the capitation fee system have continued to get these grants in addition to considerable capitation fees without a corresponding reduction in the block grants.

184. We consider it desirable that, in future, all Government grants to such schools should take the form of capitation fees and that fees should be paid direct by the Chief Inspector from a grant placed at his disposal. The amount of the capitation fee should not represent the total cost of maintenance of each child as we consider that part of the cost should be borne by private charity, but it should be a considerable proportion of such total cost. The actual amount per head will vary in different parts of the Presidency according to the cost of living.

185. In some cases a modified form of the capitation fee system may be introduced. This modified system would be that a block grant would be made but that no capitation fees should be paid until the number of children admitted exceeds that represented in capitation fees by the block grant, e.g. if the capitation fee works out at Rs. 100 per head per annum and a block grant of Rs. 2,000 per annum is made to a particular institution, capitation fees should only be paid for the number of children committed by the Courts to the school exceeding 20. As a corollary, whenever the number of such children fell below 20, vacancies in the institution should be made available, if required, for children committed by the Court.

186. The case of the Byramji Jeejeebhoy Home calls for special consideration. In view of the fact that the majority of the children in it are selected by the Committee itself and are not sent by the Children's Court, it will be necessary to continue the payment of a block grant. It should also receive capitation fees for such children as are sent to it by any Juvenile Court. The capitation fee should be on the same basis as for other schools, and the block grant should be modified as necessary so

that the combined grant may supplement private charity to a sufficient degree to enable the Home to carry on its work. There may be a few other schools elsewhere deserving special consideration of this nature.

187. In addition to the expenditure on institutions some expense will have to be incurred on After-Care and Probation. As regards the manner in which Government should contribute towards the expenses of After-Care and Probation incurred by the After-Care Societies we think that the method adopted in the case of other societies such as the Released Prisoners' Aid Society is suitable. According to this method the Government grant is in proportion to private subscriptions and might well be a cent. per cent. contribution.

CONCLUSION.

188. The other members of the Committee would like to express their keen appreciation of the work of Mr. Bolton, the Secretary of the Committee, who by his punctuality and method coupled with enthusiasm has enabled us to proceed expeditiously with our enquiry.

We also desire to recognize the valuable services of Mr. D. R. Mamdapurkar, the clerk of the Committee, who by his efficiency and zeal has very materially lightened our labours.

We have the honour to be,
Sir,
Your most obedient servants,

(Signed) O. H. B. STARTE,
Chairman.
(„) M. R. BADE.
(„) R. R. BAKHALE.
(„) J. C. BOLTON.
(„) M. KATHLEEN DAVIS.
(„) R. K. INNES.
(„) J. S. KADRI.
(„) T. SINCLAIR KENNEDY.
(„) ALFRED MASTER.
(„) FRANK OLIVEIRA.

Secretariat,
Bombay Castle, 21st July 1933.

SUMMARY OF RECOMMENDATIONS.

This summary was prepared by the Sub-Committee of the Committee after the latter had signed the report. For authoritative statements of the recommendations reference should be made to the text of the report.

	Paragraph
(1) Copy of Report of English Departmental Enquiry, 1927, to be sent to every 1st Class Magistrate and others connected with the work in the Presidency	5
(2) Reformatory Schools Act and Apprentices Acts to be repealed so far as they affect this Presidency	30
(3) Use of release on license to be extended	34 & 91
(4) Period of commitment to be not less than three years ordinarily ..	34
(5) Special institutions are necessary for destitute children between 7 and 16	32
(6) All miscellaneous bodies and institutions dealing with juveniles to be brought under the control of a new Branch to be termed Juvenile Branch of the Backward Class Officer's Department ..	39 & 56
(7) The Backward Class Officer to be the Chief Inspector of the Juvenile Branch	56
(8) As Assistant to the Chief Inspector an Inspector to be recruited ..	39
He should have special qualifications	40
(9) Functions and duties of Chief Inspector	41–46
(10) The transfer of Borstal should take place after the Juvenile Branch is firmly established	53
(11) Cadres of existing institutions should be amalgamated with that of Backward Class Officer's staff	57
(12) Evidence of children in cases in which they are offended against should be heard in camera in Adult Courts and legislation, if necessary, should be undertaken to make this legally possible ..	61
(13) Cases in which children are co-accused with adults should be tried by the Juvenile Court sitting in separate session	62
(14) When a child who is above seven years of age but is below 12 years, is accused of an offence, the burden of proof that such child is capable of judging the nature and consequence of his conduct should be laid on the prosecution	63
(15) When a child is acquitted on the grounds that it was incapable of judging the nature and consequence of its conduct, or discharged for other reasons, enquiry should be made whether, besides being an accused person the child is not also destitute, uncontrollable or neglected within the meaning of the Children Act so that the child be given the necessary treatment by the Juvenile Court	64
(16) The words conviction and sentence should be expunged from the Children Act	65–67
(17) All cases of offences by children however petty should be brought before the regular Juvenile Court or, if a Juvenile Court does not exist, then before a Stipendiary Magistrate at a place other than the ordinary Court and at a time outside Court hours ..	68 & 72
(18) It is important to define the procedure which should be followed in ordinary and Juvenile Courts when children under 16 are brought before them	70
(19) The committal of a child to a competent Court under section 6 of the Children Act should be compulsory, and the section should be amended accordingly	70
(20) A Juvenile Court should be constituted in each District Head Quarters	71
It should be in a separate building	73

Paragraph

(21) Rules for remand of children to be issued by Government under section 52, Children Act .. .. 74 & 165

(22) A definite procedure should be laid down for obtaining information through a local Children's Aid Society, a District After-Care Society, the Police, Educational or Municipal sources .. 75

(23) Magistrates should be of the right type and should qualify themselves by attending the training course described in Chapter XII 77

(24) The proceedings in a Juvenile Court should be simple, privacy of hearing insisted on, the presence of pleaders avoided and admission of visitors or reporters should be only by permission of Court: Parents should be encouraged to attend the hearing of their children's cases 78

(25) A hand-book regarding methods of treatment and giving details as to suitable schools in the Presidency should be prepared .. 79

(26) All children from outside the Presidency should be repatriated under escort and the cost of maintenance of such children as are homeless should be borne by the province or State of their origin and they should not be sent to one of the certified schools prior to being so deported 84

(27) Steps should be taken to ensure a closer watch being kept by the Railway authorities to prevent children travelling without tickets. 85

(28) Government should assume control of the Children's Aid Society .. 87

(29) Steps should be taken to increase the size of the Junior School, Umarkhadi 88

(30) Experiment should be made to send out senior boys to municipal schools daily 88

(31) Selected young offenders in the Senior Reformatory Schools who are over 16 years of age should be transferred to the Borstal School, Dharwar, under section 33 (*d*) of the Bombay Children Act. 89

(32) The authorities of schools of a reformatory type should take action under section 33A (2) (Children Act) for the transfer of "foreign" inmates to schools of their own Presidency provided a Children Act is in force there 90

(33) There should be freer transfers from one institution to another for reasons of health discipline or training, where there are two or more schools of the same grade 92

(34) The organization of industrial training classes should be dependent on industrial openings and duplication of teaching of specialised trades in certified training schools should be avoided.. .. 92

(35) Simplest standard of living should be provided in all schools .. 93

(36) Provision should be made for teaching Kanarese preferably in the Yeravda Reformatory School and all Kanarese speaking boys drafted there 94

(37) Government should frame a few simple standard rules regarding management which must be adopted before a Home is certified under the Children Act 96

(38) Government should consider whether to take powers for transference from the Borstal School to the Reformatory of boys who, though certified to be of 16 years of age, are more suited by reason of their under development to be detained in a Reformatory School 97

(39) Future recruitment of House-Masters of the Borstal Schools should be made as far as possible by taking men on deputation from the Educational Department 99

(40) The term "Reformatory" should be dropped from the names of schools 100

(41) There should be no increase in the number of inmates of the Senior Training Schools 103

	Paragraph
(42) Government and local bodies should assist in finding employment for boys suitably trained	107
(43) Main training in the Reformatory School must remain industrial but the present facilities for agricultural training should be extended	108
(44) The Yeravda Reformatory School should remain predominently industrial and a new Agricultural Training School should be started	109
(45) When a boy is due for release suitable assistance to settle him in agriculture life should be given	110
(46) Suitable boys from the Yervada Reformatory, David Sassoon Reformatory and the Willingdon Boys' Home should be transferred to the new agricultural school for agricultural training and these institutions should receive suitable boys for training in industry	112
(47) The possibilities of the provision of a training ship should be explored	113
(48) A girls' institution on the cottage plan should be established for the whole Presidency	115 & 116
(49) Provision for the treatment of mentally defective Children should be made	122–124
(50) The whole of the Children Act should be put into immediate operation throughout the whole Presidency	126
(51) Local Societies should be established in large urban areas through which will be provided remand homes, a probation service, constructive investigation, certified schools and after-care work ..	127–128
(52) An endowment fund should be raised	127
(53) Formation, constitution and budget of these Societies are outlined in	127–133, 150
(54) Outside these urban areas, the Stipendiary Juvenile Court Magistrate should be made responsible for making suitable arrangements for dealing with juveniles to organize a system of probation, to establish proper enquiry work, to supervise arrangements for detention of children on remand, etc.	134
(55) Well-organised system of after-care urgently needed	136
(56) Magistrates should give long periods of detention and leave it to school authorities to release on license	138
(57) Essentials of After-Care	140–143
(58) The constitution of District Borstal After-Care Associations should be so amended as to provide for the Juvenile Court Stipendiary Magistrate being Chairman of the Managing Committee. In addition, where a paid Secretary cannot be engaged, he should be prepared to undertake secretarial work as well	144
(59) A special After-Care Association for Bombay City should be formed. For constitution and functions see	146–149
(60) Government should be prepared to lend the services of the Inspector as Secretary of the Bombay After-Care Association, to provide his office in the quarters of the Society and to contribute towards the general expenses	146–147
(61) A new After-Care Hostel should be started in Bombay City co-operating with the Sheppard After-Care Association	147
(62) "Chummeries" (or "Clubs") to be established in Bombay City ..	148
(63) Mofussil certified schools situated in urban areas should run a small after-care hostel or chummery for discharged boys	150
(64) In urban industrial areas where local Societies come into existence for the purpose of working the Children Act, after-care of local children discharged from certified schools should be one of their specific functions	127

Paragraph

(65) The appointment of one paid supervisor in Bombay City is considered advisable 149

(66) The authorities of Girls' Schools should provide for after-care of girls either through members of their own staff or through other supervision workers whose services may be secured from the nearest After-Care Society 152

(67) Definition of probation should include supervision 153

(68) Pending the passage of All-India Probation Act the Bombay Children Act should be amended to provide for probation 154

(69) Duties of Probation Officer 156

(70) Probation Officer to be approved by the Court and subject to general advisory control of the Chief Inspector 162

(71) In Bombay City one or more full-time paid probation officers to be appointed 162

(72) The Children's Aid Society to continue to supply volunteers .. 162

(73) If necessary, section 6 (*b*) of the Borstal Schools Act should be amended to permit sending first offenders to Borstal 164

(74) Rules under section 52 of the Children Act should be framed by Government regarding the management of certified schools, etc. 165

(75) The modification of some existing sociological courses in Bombay City is recommended to meet the need for specialised training particularly in practical work 173
The Gokhale Institute and Wilson College are indicated as possible centres .. .. 170 & 171

(76) Details of syllabus 173

(77) Alternatively Government should institute its own examination based on the above syllabus 175

(78) Government should, in addition, institute a short training course for workers of all classes 176

(79) A short course on juvenile delinquency should be introduced at the Police Training School, Nasik 177

(80) The Children Act and Borstal Act should be included in the Higher Departmental and Qualifying Examinations 177

(81) A simple manual should be prepared for the guidance of all those connected with the administration of these Acts in the Presidency 178

(82) Priority for assistance from Government funds amongst institutions for the maintenance of children should be given to those institutions for children which accept certification under the Children Act 180

(83) The maintenance of Remand Homes should be shared by Government, Municipality and private charity. The Municipal Acts should be amended to make this one of their obligatory functions 181

(84) Institutions of a reformative type serving the whole Presidency should be maintained by Government but initial foundation by private charity should be encouraged 182

(85) All Government grants to private certified schools should as a rule take the form of capitation fees and fees should be paid direct by the Chief Inspector from a grant placed at his disposal .. 184

(86) In some cases a block grant should be made but no capitation fees should be paid until the number of children admitted exceeds that represented in capitation fees by the block grant .. 185

(87) The Byramji Jeejeebhoy Home should continue to receive a block grant as well as capitation fees 186

(88) Government should contribute towards the expenses of After-Care and Probation expenses incurred by the After-Care Societies .. 187

APPENDIX I.

List of Witnesses examined by the Committee.

1. Miss O. Kaae, B.Sc. (Lond.), Director of Social Training Centre for Women (University Settlement, Bombay).
2. Dr. A. R. Normand, M.A., B.Sc., Ph.D., Principal, Wilson College, Bombay.
3. Professor G. S. Ghurey, University of Bombay, School of Economics and Sociology.
4. Colonel A. Barnett, Salvation Army, Bombay.
5. Sir Patrick Kelly, Kt., C.I.E., Commissioner of Police, Bombay.
6. E. J. Bunbury, Esquire, M.C.
7. Khan Saheb B. H. Kazi, M.A., Offg. Educational Inspector, Central Division.
8. Sharif Devjee Canjee, Esquire.
9. Fazil Mooraj, Esquire.

APPENDIX II.

List of Persons, Institutions, etc., who have sent replies to the General Questionnaire or have been consulted by the Committee.

1. The Rector, St. Mary's High School, Bombay.
2. The Superior, St. Joseph's Home and Nursery, Bombay.
3. The Sister Superior, St. Joseph's Convent Orphanage, Bandra.
4. The Secretary, Bai Avabai Framjee Petit Parsi Girls' Orphanage, Bandra.
5. The Secretary, Children's Aid Society, Bombay.
6. Reverend S. P. Hieb.
7. The Superior, St. Anthony's Home, Bombay.
8. The Honorary Secretary, Bombay Institution for Deaf-Mutes, Bombay.
9. The Superintendent, Reformatory School, Yeravda, Poona.
10. The Secretary, Sev Sadan, Gamdevi, Bombay.
11. The Secretary, David Sassoon Industrial and Reformatory Institution, Matunga, Bombay.
12. The Honorary General Secretary, Depressed Classes Mission Society of India, Bombay.
13. The Managing Trustee, Abdulla Dawood Bowla Mahomedan Female Orphanage, Bombay.
14. The Joint Honorary Secretary, Society for the Protection of Children in Western India, Bombay.
15. The President, Sunni Muslim Wakf Committee, Ahmedabad.
16. Reverend A. L. Bradbury, Manager, Industrial Settlement, Hubli.
17. The Superintendent, Children's Home, Lonavla.
18. Reverend H. R. Coventry, Manager, Baramati Industrial Settlement, Baramati.
19. The Governor, Borstal School, Dharwar.
20. The Supervisor, the Mahomedan Orphanage, Bombay.
21. The Superintendent, Bombay Scottish Orphanage Society, Mahim, Bombay.
22. Sir Mohomed Yusuf, Kt. (Marine School and Seamen's Orphanage, Novha).
23. The Honorary Secretary, Bombay Presidency Women's Council, Bombay.
24. The Superior, St. Francis Orphanage, Borivli.
25. The Superintendent, American Marathi Mission School for the Blind, Dadar, Bombay.
26. The Secretaries, Rao Saheb Mahipatram Rupram Anatha Ashram, Ahmedabad.

27. The Principal, St. Stanislaus' High School, Bandra.
28. Lt.-Colonel E. E. Doyle, C.I.E., D.S.O., I.M.S., Inspector-General of Prisons, Bombay Presidency.
29. Dr. W. Burns, D.Sc., Director of Agriculture, Poona.
30. R. H. Beckett, Esquire, C.I.E., Director of Public Instruction, Poona.
31. The President of the Managing Committee of the Borstal Association, Dharwar.
32. The General Secretary, Released Prisoners' Aid Society, Ahmedabad.
33. C. S. Devadhar, Esquire, Assistant to the Backward Class Officer, Bombay Presidency.
34. I. H. Taunton, Esquire, I.C.S., Collector of Sholapur.
35. G. F. S. Collins, Esquire, C.I.E., I.C.S., Collector of Karachi.
36. The Superintendent, Reformatory School, Delhi.
37. The Superintendent, Senior Certified School, Chingulpet, Madras Presidency.
38. The Bombay Social Service League, Bombay.
39. The Backward Class Officer, Bombay Presidency.

GLOSSARY.

1. **Term of Commitment.**—The period for which a juvenile is ordered by a Court, to be sent to a reformatory, certified or Borstal School.

2. **Remand Detention.**—The temporary detention of juveniles on an order of a magistrate for the purpose of enquiry, pending passage of a final order.

3. **Remand Home.**—A recognised place of safety maintained for the purpose of providing for the temporary detention of juveniles whose cases are before a court, thus obviating the undesirable alternative of police custody.

4. **Schools—**

   (a) **Certified School.**—A Boarding School certified under section 34 of the Children Act as being suitable for the reception and correct treatment of juveniles under 16 years of age dealt with on a court order.

   (b) **Reformatory School.**—A school established or recognised under the Reformatory Schools Act of 1897, for the treatment of young offenders. Two categories exist: (1) Senior, for boys over 12 years of age, and (2) Junior, for boys under that age. In practice by virtue of Reformatory Schools being certified under the provisions of the Children Act, such schools admit other types of boys, and not only young offenders.

   (c) **Borstal School.**—A school established under the Borstal Act for the treatment of juvenile offenders, aged between 16 and 21 years of age at the time of commitment. Such schools may be established for girls as well as boys.

5. **Types of Juveniles dealt with by the Children Act—**

   (a) **Destitute child.**—One who has been homeless, and without visible means of subsistence for a considerable period, and consequently presents a difficult problem for solution.

   (b) **Poverty child.**—One who is rescued from impoverished conditions before a life of vagabondage has been adopted and consequently presents a relatively easier problem for solution.

   (c) **Neglected child.**—One who lives in an unsatisfactory environment owing to parental irresponsibility and is therefore in danger of moral and physical deterioration.

   (d) **Uncontrollable child.**—One who is unruly to such a degree as to necessitate his or her parents making application to the Court under section 8 of the Children Act for committal to a certified school.

   (e) **Offended against child.**—One who is the victim of the vice or cruelty of depraved and unscrupulous adults.

   (f) **Offending child** (young offender, juvenile delinquent).—One who has been found guilty of a breach of the law.

6. **Age groups of juveniles—**

   (a) **Child.**—Boy or girl under 14 years of age.

   (b) **Young person.**—Boy or girl over 14 and under 16 years of age.

   (c) **Young offender.**—A child, young person, or boy or girl under 21 years of age found guilty of an offence.

7. **After-Care.**—Protective attention which should be afforded to young persons discharged from reformative institutions (certified, reformatory, or Borstal Schools).

8. **Release on licence.**—Discharge from certified reformatory or Borstal Schools, prior to the expiry of the original term of commitment on specific terms involving good conduct.

9. **Probation.**—Treatment of offenders by suspension of conviction, by discharge conditional on good conduct and supervision by a person appointed by a Court.

10. **Probation Officer.**—A person appointed by a Court to supervise probation cases for the period stipulated in an order.

11. **Supervision—**

(a) **Friendly care of juvenile offenders on discharge by a person appointed by a Court.**

(b) **Friendly care of juveniles released on licence from certified, reformatory, or Borstal Schools.**

(c) After-Care of juveniles discharged from certified, reformatory or Borstal Schools.

12. **Treatment in the open.**—Attention paid to young offenders not committed to an institution, by probation or supervision methods.

13. **Juvenile Court.**—A Court established under the Children Act for the hearing of cases of children under 16 years of age.

14. **Children's Branch.**—A separate branch of the British Home Office controlling all departments functioning under the Children Act.

15. **Grants—**

(1) **Block.**—An annual grant of magnitude sufficient to ensure the major portion of, or the entire maintenance charges of, a particular institution being met.

(2) **In Aid.**—A grant to cover the partial expenses of a particular institution.

(3) **Capitation.**—A maintenance allowance on a per capita basis.

16. **Juvenile Jail.**—A prison where juvenile offenders below the age of 21 years are sent, other than those committed to a reformatory, certified or Borstal School.

17. **Penal methods of treatment.**—Treatment meted out to offenders, of which the primary object is punishment.

18. **Mentally deficient.**—The term applied to persons whose minds are defective and incomplete.

19. **Fit person.**—A person, or body corporate, recognised or established for the reception or protection of selected children, which undertakes to educate, or to provide facilities to educate, a child in conformity with the religion of its birth.

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REPORT OF THE COMMITTEE OF INQUIRY INTO THE CARE OF DESTITUTE CHILDREN AND YOUNG OFFENDERS.

PART II.

A.—BEGGARS.

CHAPTER I.

1. The sixth term of reference submitted to us demands consideration of the problem of juvenile destitution and delinquency in its relationship to the Beggar and Mavali problems of Bombay City, but initial deliberations indicated very clearly that a separate Report was necessary inasmuch as measures designed for the protection of children of beggars and mavalis could not be divorced from a consideration of remedial measures directed towards the treatment of adults falling into one, or other, and possibly both of those two categories. The formulation of a comprehensive scheme has, therefore, been essayed in the light of the magnitude of the problem, and within the confines determined by existing financial stringency.

2. We regret to record that on September 8th, the lamented and untimely death of Mr. J. S. Kadri, M.L.C., deprived the Committee of the services of an extremely valuable member, and we take this opportunity of acknowledging his devotion to our labours, and his social and educational work in the Presidency generally.

3. A further change occurred in October owing to the departure on leave of Mr. A. Master, C.I.E., I.C.S., but a statement expressing his views was submitted before he left. In his stead, Mr. E. W. Perry, C.I.E., I.C.S., was appointed to the Committee.

4. We are sensible of the fact that previous reports have been prepared in anticipation of Government and Municipality action and in the main we subscribe to the general principles expressed therein.

THE PRESENT POSITION AS IT AFFECTS CHILDREN.

5. The streets of Bombay bear tragic testimony to the dangers to which beggar children are exposed either as individual beggars, or in the company of adult beggars, and the problem does not render itself susceptible to ready solution. It is true that legislation exists which permits of action being taken. Thus section 121 of the City Police Act prescribes punishment for what might be conveniently termed simple begging, and section 27A provides for the punishment of incorrigibles. Section 10 (1) (*a*) of the Bombay Children Act provides for the more drastic punishment of those who utilise the services of children for their own profit, or for permitting children under their control to solicit for alms. Further, if any child is " likely to fall into bad association or to be exposed to moral danger or to enter upon a life of crime ", action can be taken under section 7 (1) (*f*) of the latter mentioned Act.

6. A cursory examination of these powers conferred by law might lead to the conclusion, that so far as children are concerned, adequate powers exist, but a scrutiny of the following particulars extracted from the records of the Children's Aid Society indicates very definitely that much remains to be done, as over a period of six years, only 87 children stood charged with begging, out of a total of 4,291 children remanded in Bombay City or a percentage of 2 per cent.

1928	..	..	..	24
1929	..	..	..	20
1930	..	..	..	8
1931	..	..	..	7
1932	..	..	..	9
1933	..	..	..	19
				87

Before proceeding to discuss the subject of child begging in relation to specific recommendations, certain basic principles require to be stated. We regard the separation of children from parents as being most undesirable if it can be avoided, as such action in addition to clashing with public opinion, would penalise to a greater degree unfortunate citizens who are largely the victims of heredity or environment. The separation of children from parents on a large scale would create new difficulties arising from the fact that there is insufficient school accommodation to meet the needs of other classes of children dealt with under the Children Act. Humanitarian and practical considerations therefore demand that regulations be enforced or introduced to govern action when beggar children are to be treated as (*a*) under the Children Act away from their parents, and (*b*) with their parents under new legislation.

7. All children who are found begging alone in the streets should be dealt with as at present in the Remand Home, by the Juvenile Court under the provisions of the Children Act. If it is found that the child is encouraged by its parents to beg the family should be dealt with as a whole. Children found begging with their parents should not be separated if there is evidence to establish the truth of parentage, if physical condition is reasonably satisfactory, and if no evidence exists to indicate exploitation for begging purposes. Such children must be permitted to accompany their parents to the establishments to be justified and described later.

8. It may be argued that children not separated from their parents but charged with them in an adult court are debarred from enjoying the privileges conferred by examination in the Juvenile Court, but it has been the practice during the last six years in this Court to charge children who are co-accused with adults in other kinds of cases in an adult court, and the provisions of the recently amended Children Act have made it possible for joint cases to be adjudicated in the Juvenile Court. There is however objection to a Juvenile Court being utilised

for the hearing of cases in which adults are accused persons. In Part I (paragraph 62) of our Report it is recommended that such joint cases might be heard at special sessions of the Juvenile Court to minimise the dangers of mixing accused adults and juveniles. The principle of special sessions lends itself admirably in application to the trials of beggar families, and this aspect will be dealt with in detail later.

9. Difficulties arise from the fact that the term "beggar child" can be interpreted widely, and can include many classes of children; hence it is essential to examine each class before recommending the most suitable treatment. Firstly, the destitute child is liable to develop into a professional beggar. During the past six years no less than 42 per cent. of the 4,291 children admitted to the Umarkhadi Home have been dealt with as destitutes under section 7 (1) of the Children Act. We are agreed that the present method of dealing with such children by the Juvenile Court should be continued, whereby the child is kept on remand until adequate inquiry has been made as to the existence of parents, either locally or up-country, and whereby commitment to school is used only as a last resort. We are aware that children, on their first appearance before the Juvenile Court, are in practice usually restored to the care of their parents who are of the poorest classes and are often members of the begging fraternity. They return to homes which may be little better than the corner of an exposed verandah, a section of a godown, or a form of kennel fabricated from empty kerosene tins or mats. Improved legislation is required to deal with families of this type. Secondly, the case of the begging child, who solicits for alms on the public street has to be considered. Evidence is daily at hand that the number of such children is extensive. The records of the Umarkhadi Remand Home, however, show that only 2 per cent. of the total number of admissions in six years have been brought in charged with the offence of begging. Above, we have shown that one reason for this may be the present tendency to deal with begging children as if they were destitute under section 7 (1) (*a*) of the Children Act. From the evidence received from the police, we are assured that the majority of child beggars in Bombay are not technically destitute and that large numbers belong to the Waghri caste living in the suburban district who daily send their children to beg in the streets of Bombay.

10. Thirdly, the position of the child who is arrested for begging in the company of adults, and fourthly that of the child exploited by others for begging purposes deserve study. Such cases will probably be the most difficult to cope with for two main reasons. Primarily, the child and his relatives have to be dealt with together which may involve the question of separation after conviction and secondly, extreme care will need to be exercised by the police to ensure that cases of deliberate exploitation are definitely proved. The criterion should be the physical condition of the child, and we strongly recommend that wherever children are being deliberately employed for begging purposes, the adult persons concerned should be charged under section 10 of the Children Act. During the past six years only four children have been remanded

to the Children's Home as victims under this section, and it is important to observe that two of the adults involved in these cases were fined Re. 1 and Rs. 2 respectively in the adult Court. Such mistaken leniency encourages this type of unscrupulous individual to risk arrest as the fines inflicted are by no means commensurate with begging "earnings". In another case, a blind girl was proved to be the victim of the exploitation of her father. No attempt was made to prosecute the latter for any offence other than simple street begging, and a penalty of one day's simple imprisonment was awarded, and no fine was inflicted despite the fact that he had Rs. 25 in his possession on arrest.

ADULT BEGGARS.

11. We have referred to the fact that several previous attempts have been made to clarify the issues involved in the beggar difficulty, and frequent discussions in the Municipality proceedings, in the Legislative Council, innumerable letters to newspapers, and complaints to railway companies testify to the need of something tangible being done. Every one urges somebody else to take action, and nothing effective is done, while the ranks of beggars are increased owing to the abnormal industrial and agricultural situation, and the absence of adequate funds for social work, but what has been achieved in Colombo can be emulated here. The municipality looks to Government to move in the matter, the public blame the police for inaction, the police complain about the magistracy, the magistracy points out weaknesses in the law, and refers to the lack of suitable institutions; and the short-sighted policy of charitable trusts, which, although intended to mitigate the nuisance, too frequently only intensify it. The whole problem cannot be solved immediately, but a start can be made if all the above bodies co-operate and are supported by Government and a spirited and generous public opinion.

12. The Indian public generally accepts the principle of religious mendicancy, and considers it to be a moral duty to give alms to the poor. While certain aspects of this attitude call for the highest commendation, it must be repeated that indiscriminate alms giving also tends to intensify the difficulties presented by a beggar population. It is suggested that the systematic aggregation of the annas and pies so freely given now in diverse ways would provide much more than is needed to inaugurate the scheme we outline, and this can best be achieved by the appointment of a Government official not only to this end, but to collaborate with the many existing charitable trusts, as well as the Municipality, and ultimately guide all financial enterprises directed towards the amelioration of the beggar population.

RELIGIOUS MENDICANTS.

13. We agree with the views expressed in previous reports, that on the occasions of recognised festivals or fairs, religious mendicants should be permitted to solicit for alms at the discretion of the police in clearly defined localities. On other occasions, police discretion should again

be exercised to permit such beggars to function within the immediate vicinity of temple and mosque areas, and by the temple or mosque trustees within the limits of their own buildings if they so desire, but house to house begging must be prohibited.

CRIPPLED AND DISABLED BEGGARS.

14. Crippled beggars must be objects of charity, and the amplification and reorganization of the existing Helpless Beggars' Camp at Rowli Hill, Matunga, is recommended to accommodate them, except in those cases where detention in a specialised institution like a Home for the Blind or a Leper Asylum is called for.

DISEASED BEGGARS.

15. We do not subscribe to the oft-expressed view that beggars are a fruitful source of the spread of disease. Difficult as they may be to avoid they have no monopoly of infections and other diseases. An exception may be made in the case of lepers. Legislation exists to deal with these unfortunate people, and Resolution No. 1095 (Government of Bombay) of September 30th, 1933, deserves study in this connection. It is pointed out therein that two thirds of the residents of the Ackworth Leper Asylum are not ordinarily accepted residents of Bombay, and steps are being taken to remedy the position. Further the provision of adequate precautions to prevent the escape of statutory lepers from that asylum will enable the police to resume action under the clauses of the Lepers Act of 1898 which they should not have been obliged to abandon.

BLIND BEGGARS.

16. Just as lepers can be committed to a place of comfort and safety, so should provision be made for the care of the pauper blind, and we desire to call attention to the disturbing fact that at present no establishment at all exists which caters for blind female adult beggars.

ABLE-BODIED BEGGARS.

17. The problem of the able-bodied beggar is fraught with many difficulties. Many are the victims of economic distress and circumstances outside their control, and in the absence of a system of unemployment insurance, poor relief and the like, must, as in the case of crippled and disabled fellow citizens, seek to maintain an existence by begging or by more dubious methods. Legislation designed to punish the professional able-bodied beggar might easily cause further misery to the genuinely unemployed, and if the recommendations made appear to err on the side of leniency towards incorrigible able-bodied beggars, it is largely due to this consideration. It is to be feared that such people do deteriorate to a degree which renders rehabilitation impossible from a civic point of view. The deportation of those unable to prove city domicile of more than one year's standing who have a previous conviction for begging within the previous twelve months and more rigorous action on the part of the railway authorities to lessen the numbers of non-fare-paying

immigrants would effect improvement. We deal later with the establishment of a separate camp for the able-bodied category and the inmates could be employed on external unskilled work in gangs under a suitable guard, in addition to finding internal duties connected with the simpler industries.

18. It will be clear from the foregoing comments that a central clearing house is a prime necessity to ensure that the various types categorised are enabled to obtain treatment most suited to their previous records, immediate needs, physical and mental condition, and to the requirements of a city concerned with treating its beggar population in a humanitarian manner consistent with the effective penalising of incorrigibles. A Beggars' Court is required to deal with a specific type of individual, according to specific needs, and, perhaps more important, to be administered by selected members of the magistracy.

19. The enlargement of the existing camp at Matunga previously referred to as being essential to accommodate an increased number of crippled beggars, is also necessitated by the demands made for hospital accommodation, suitable workshops for the partially disabled, and huts to accommodate those beggar families who are deemed to deserve the privileges of living jointly.

CHAPTER II.

Previous Reports.

20. In 1919 a Committee appointed by the Government of Bombay and presided over by Sir Pheroze Sethna presented a Report on methods designed to prevent professional beggary. In a Press Note issued from the Judicial Department dealing with the Report it was stated for the information of the public that "the question of the care and control of children who are homeless and of whom improper use is being made by professional beggars, and also of the care and control of Lepers are now receiving the careful consideration of the Government of Bombay. With regard to the general question of beggary, with the cognate matter of the provision of relief for the honest poor, it is desirable that this should be dealt with after the meeting of the new Councils under the Constitutional Reforms". Action was taken on the report so far as children were concerned by the passage of the Children Act of 1924, but other proposals were not accepted, presumably owing to financial difficulties.

21. In 1923 a Committee appointed by the Municipal Corporation reported to the Government of Bombay and it was pointed out that the beggar question had been under the consideration of the Corporation since 1915. From specific recommendations made in the Report it was indicated that the Corporation favoured (*a*) the institution of machinery for the removal and detention of all beggars, religious and others, and all leprous beggars and vagrants from any street or public place in Bombay,

and their appearance before a Bench of Honorary Magistrates within a period of 24 hours of arrest, (*b*) deportation of beggars unable to submit proof of residence in Bombay for at least three years within ten years of the date of arrest, and (*c*) the establishment of a Clearing House, and a settlement outside the Municipal area of Bombay for beggars and vagrants of local domicile, with special provision for those suffering from chronic diseases, those otherwise helpless, the able-bodied and children.

22. In 1926, Mr. O. H. B. Starte, I.C.S., was requested by Government to prepare a scheme for "establishing and maintaining a beggar settlement in the vicinity of Bombay on the lines of a criminal tribes settlement, which should include *inter alia* :—

(*a*) an industrial home ;
(*b*) a Work House for able-bodied beggars ;
(*c*) an infirmary for those incapable of doing work."

An attempt was made in this report to get down to fundamental issues, to deal with the problem on a Presidency as well as a City basis and to recommend the application of some of the more enlightened methods current in the West. Such comprehensiveness, however, prescribed an outlay of public money on a scale not possible in 1925 and frankly impossible to-day.

23. The aforementioned reports generally agree in basic principles, but some points of difference in details are here summarised :

24. *Deportation of Beggars of Non-Bombay Domicile.*—The Municipal Report recommends the deportation of all beggars unable to prove domicile in Bombay City for at least three out of the preceding ten years.

In the Starte Report the practical difficulties and hardships of enforcing any law of settlement regarding up-country beggars is clearly stated and deportation is only advocated in the case of able-bodied adults and their dependents who have a warning or previous conviction for begging in the preceding 12 months and for infirm beggars from up-country only if they have resided less than one year in this area and if satisfactory arrangements for their welfare can be made in their native place.

25. *Detention Colony for able-bodied beggars.*—The Municipal Report favoured a comprehensive settlement outside Bombay City to be maintained by Government to include the able-bodied in a special section, whereas the Starte Report made proposals for a small central camp of the able-bodied to be located without city limits, with a floating camp to follow construction works.

26. *Procedure for crippled, diseased beggars, etc., brought to clearing house.*—Segregation in hospitals, asylums, etc., is considered essential in all previous reports, and the Starte Report pointed out the desirability of their being committed to a Home if a previous conviction had been registered within 12 months of a second appearance, or admission on a voluntary basis in other cases. The Municipal Report left disposal to the discretion of the Magistracy.

27. *Children brought to Court with a begging adult.*—The Municipal Report favoured separate wards for children, but the Starte Report proposed that beggar families should not be separated in a Camp or Settlement unless those in immediate control thought it desirable, and advised the provision of family quarters to enable this being accomplished.

28. *Religious Beggars.*—The Sethna Report proposed that no Sadhu or Fakir should be allowed to beg in any street or public place unless he could prove to a Court that he was justified in so doing according to the canons of his sect. The Municipality also proposed to throw upon Magistrates the burden of deciding whether a beggar was a religious mendicant or not, and if so, of granting licenses permitting him to beg anywhere except in streets ; and on the occasions of recognised festivals or fairs, he may, at the discretion of the Police, be allowed to beg for alms in the recognised localities where these festivals or fairs are held, the area to be clearly defined by the Police. The Starte Report however was opposed to licenses and considered that religious mendicants could beg in temples, etc., only with the permission of trustees and near them with the permission of the Commissioner of Police, and could beg even from house to house if of good behaviour.

29. *Punishment.*—The Sethna Report proposed that on first appearance before a Court the able-bodied beggar should be merely warned if a native of the place, and otherwise called upon to return to his native place. On the second appearance he should be liable to imprisonment (period not stated). As regards the disabled beggars Magistrates should have power to order their detention in an institution as under the Leper Act.

The Starte Report proposed that on first conviction a beggar should be either warned or fined only. He should only be liable to imprisonment or detention if convicted twice within twelve months. The first time he is ordered to detention in an institution it should be for a minimum of six months and a maximum of three years and the second time for a minimum of one year and a maximum of 6 years. Imprisonment should only be awarded for habitual escapes from institutions.

30. *Finance.*—There is marked difference in the methods suggested for providing the necessary funds to maintain the establishments so essential if periodic collections of platitudes are not meant to measure all that is to be done to ameliorate the beggar problem.

CHAPTER III.

Existing and Proposed Legislation.

31. There already exists a certain amount of piecemeal legislation about beggars, in one form or another. This will be found in the Indian Leper Act, the Criminal Tribes Act, the Bombay City Police Act and the Bombay Children Act. Of these Acts the City Police Act is the most important. Section 121 reads :—

" Whoever in any street or public place begs or directs or permits children under his control to beg, or applies for alms or exposes or

exhibits with the object of obtaining or extorting alms, any sores, wound, deformity or disease, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees, or with both."

This section is framed in quite general terms; it does not distinguish between religious mendicants and others and generally it does not distinguish between the disabled and able-bodied, etc. The punishment is comparatively light; it makes no provision for treatment on classified lines. Under section 27 (*2*) of the Act the Commissioner of Police has power to deport from the City any person who has been twice convicted under section 121. Any person so deported who returns to Bombay within two years is liable to imprisonment for two years and fine.

32. Under the Bombay Children Act of 1924 direct attempt is made to prevent child beggary by the arrest of destitute children under section 7 (*1*) of Part II, to penalise adult exploitation of begging children under section 10 (*1*) of Part III, and to provide right treatment of child beggars as young offenders under Part IV. The scope of the Children Act is thus far wider in dealing with the beggar child than that of the Police Act in dealing with child and adult beggars. Certain defects, however, call for notice. In the first place, as noted above, the general practice of the Bombay City Police is to deal with the vast majority of begging children as destitute under section 7 of the Bombay Children Act. In our opinion only begging children under 7 years of age, who are legally irresponsible for their offence, should be dealt with as destitute children under this section and those found begging in the street who are above seven years of age should be charged with begging under the proposed Beggars Act, or, until that is passed, under section 121 of the Bombay Police Act, and dealt with as young offenders under Part IV of the Children Act. A second defect exists in the over-lapping of the Police Act and of the Children Act in the case of adults using children for begging purposes. Under section 121 of the Bombay Police Act an adult can be punished with imprisonment up to one month, or with fine up to Rs. 50 or with both. Under section 10 (*1*) of the Bombay Children Act, however, the same offence couched in wider and stronger terms, is punishable by imprisonment up to 3 months, or fine up to Rs. 100 or with both. It is apparently left to the discretion of the police as to which Act is to be applied. The result is that, in the majority of the *few* number of such cases at present put up by the police, the older and better known section of the Police Act is used and adult offenders secure the very least of the lesser punishment. In our opinion, that part of section 121 of the Police Act which deals with adult exploitation of begging children should be repealed as it is more adequately covered by section 10 (*1*) of the Bombay Children Act. In addition, we agree with paragraph 19 of the Starte Report which recommends that section 10 (*1*) of the Bombay Children Act should be further strengthened by the provision of compulsory detention for certain classes of these adult offenders. With the exception

of any such provision in the Children Act we feel that this Act is sufficiently wide in dealing adequately with children who, through destitution, are likely to adopt a life of beggary, who are being victimised by adult beggars and are themselves found begging on the street. The real effectiveness of the Act is, however, undercut by the fact that no existing legislation provides right treatment for begging families on constructive lines. Begging children with begging parents are, therefore, not arrested, as root and branch separation runs counter to humanitarian feeling. Adequate action cannot be taken by the Children Act alone; for its supplementation a Beggar Act is required.

33. Under the Indian Lepers Act, III of 1898, a beggar who is a leper may be committed to a Leper Asylum for an indeterminate period.

34. The Waghris and Mang-garudis supply a considerable proportion of the beggars, particularly of the begging children of Bombay City. Section 3 of the Criminal Tribes Act is applied to the Mang-garudis all through the Presidency and to the Waghris who belong to Kaira District. Though the prevention of begging is not in itself an object of the Criminal Tribes Act, as that Act is for the purpose of reducing the commission of non-bailable offences, nevertheless begging and thieving are closely connected in these castes. If action is taken in suitable cases and more families of these castes who live by stealing and begging are placed in Criminal Tribes Settlements, the number of begging children in Bombay Streets would be considerably reduced. For such families the usual condition of four convictions for non-bailable offences before commitment to a Settlement might be relaxed and a lesser number of convictions accepted for this purpose.

35. It may be noticed that with the exception of the Leper Act, the law makes little attempt at subjective discrimination amongst beggars, and it makes no attempt to solve the problem constructively, but merely to punish. What alternative to begging has the blind or helpless beggar with no relatives or family, or with relatives too poor to support him? He must live, and begging is his only recourse. Magistrates realise this, we think, and inflict such light sentences that such provisions of law as exist are rendered nugatory. The law attempts to protect the public from the importunacy of the professional beggar and from the revulsion which the obnoxious sores and nauseating deformities of the maimed and diseased induce. But to succeed in this it is useless to group all beggars together and to prescribe a punishment suited to the least offensive type. The law should recognise a distinction between punishment, which can only fairly be applied to the able-bodied incorrigible, and protective measures which will at the same time make suitable provision for the helpless and guard the susceptibilities of the general public.

36. In our opinion, there can be no constructive treatment of the Beggar problem without a comprehensive Beggar Act, drafted in line with the Leper Act. We, therefore, recommend that Government take steps for the introduction of a bill which will provide for the classification of beggars and for their constructive treatment. Under the Beggars Act, the medical officer or officers to be in charge of the Clearing House and Helpless Beggars' Camp, as described in a later chapter, should be invested with powers similar to those possessed by the Inspector of Lepers under the Leper Act. In addition, provision should be made for the establishment of a Clearing House to which all beggars would be sent after arrest until conclusion of their cases before the Beggar Court. At the time of the hearing of a beggar's case, information must be provided by the medical officer in charge as to whether the beggar belongs to the helpless or able-bodied categories and if to the former, then to what degree and in what manner he is incapacitated from earning an honest livelihood. With respect to the sentences which should be passed in the Beggars Court, we are agreed that in the Beggars Act a certain amount of latitude should be provided for first offenders of either category. It has, however, to be remembered that compulsory detention of a helpless beggar should operate to his own interest, but we feel that although the magistracy may be empowered by law to commit a helpless beggar to the Helpless Beggars' Camp on first appearance before the Court, such action should only occur in those cases where adult sureties are not available. The term of detention in the Helpless Beggars' Camp should be indeterminate, but every case should come up for revision every three months before a Sub-Committee of the Committee proposed in paragraph 64, and this Sub-Committee should have power to release, on license or absolutely, all suitable cases. If beggars are to be committed for detention owing to their very helplessness, a determinate sentence is an impossibility, as helplessness may be an indeterminate condition. We would point out that in Colombo the practice has been to commit this class of beggar for indeterminate periods, and the practice has worked with success.

37. With regard, however, to the able-bodied beggar, other measures will be required. We are of opinion that in the Beggars Act as lenient a policy as possible should be laid down except in the case of incorrigibles. We are aware that economic depression and unemployment have swelled the ranks of able-bodied beggars through no specific fault of their own. It is, therefore, our opinion that under the new legislation provision should be made for first offender able-bodied beggars being warned and discharged. This will constitute a conviction, and the finger print slip will be useful evidence on a second appearance before the Court, when we feel that fine should be the penalty or two weeks compulsory detention in the Able-bodied Detention Camp. A third conviction following within three years of the last previous conviction should, in our opinion, be followed by compulsory detention in the Able-bodied Detention Camp for any period from six months to two years. Subsequent conviction should be regarded as proof of incorrigibility and be followed by commitment to gaol, or to deportation

of upcountry beggars who cannot prove one year's domicile in the City and possess a previous conviction for begging in the past twelve months. Here too the Sub-Committee referred to above should have power to release on license or absolutely for those persons in the Able-bodied Detention Camp.

38. Escapes from both the Helpless and the Able-bodied Camps are bound to occur, and we feel that in the Beggars Act provision should be made for a deterrent sentence on re-arrest for able-bodied beggars who escape and are subsequently convicted for a new begging offence. Permanent detention of beggars in camps is not the ultimate aim of a Beggars Act, but rehabilitation in ordinary life where that may be possible. An escaped beggar should, therefore, only be penalised on subsequent reconviction. In such cases a helpless beggar would be recommitted to the Helpless Beggars' Camp on the usual indeterminate basis and an able-bodied escaper would be committed to a prison for the unserved period of his detention, together with an additional three months.

39. Provision should be made in the Beggars Act for the certification of suitable private institutions such as blind schools.

40. We realise that it may be difficult to pass comprehensive legislation for this type at the present juncture, but we feel that no really constructive measure of relief can be secured by mere amendment of existing legislation. We do, however, see that it would be better to secure something by amendment of existing legislation if the passage of a new Beggars Act is impossible. The amendment of section 121 of the Police Act would secure power to the magistracy to make orders of compulsory detention, and remove the present overlapping with the Children Act section 10 (*1*) in dealing with adult beggars who exploit children for the purpose of begging. In addition it might be advisable as pointed out above, to strengthen section 10 (*1*) of the Children Act by providing for detention of adult offenders in one of the two camps, where required. Again, through executive orders something might be done to arrange for the segregation of beggars on remand in some special block of police cells. We feel, however, that this course of action can never be satisfactory owing to the lack of surveillance, on which adequate classification depends, and owing to the large number of female-beggars who will need to be accommodated. Lastly, something needs to be done to amend section 27 (*2*) of the Police Act to guard against its too frequent use for deportation against beggars, as we are assured that deportation frequently is of little practical effect and in some cases may lead to much hardship for beggars deported to places where there are neither means for their subsistence nor measures in force for their relief. Thus it should be amended to limit its action as regards begging offences to cases where (*a*) there is a second conviction for begging within twelve months and also (*b*) the person is able-bodied and (*c*) is unable to prove domicile in Bombay City for the previous twelve months. Even then deportation should as far as possible be repatriation.

CHAPTER IV.

Existing Institutions.

41. The following institutions in Bombay City cater to some extent for child and adult beggars. Note has, however, to be made as to the inadequacy of the accommodation provided. In the first place, as will be seen below, the provision for helpless beggars is grossly insufficient. Secondly, no institution exists for the admission of mentally defective children or adults. Thirdly, the provision made for the blind and deaf and dumb is limited so far as residential accommodation goes, with one exception, entirely to boys. Lastly, it has to be remembered that these schools exist for all classes of blind and deaf and dumb boys and the compulsory inclusion of the beggar type of child will constitute a problem, close association of the beggar and other types may be objected to, and escapes of the committed physically defective beggar child will have to be guarded against.

42. At Rowli Hill there is a Helpless Beggars Camp which is controlled by the Helpless Beggars Relief Committee through the agency of the Salvation Army. Nominally there is accommodation for about 300 helpless beggars but funds are inadequate to maintain so many. The average number of inmates during 1929 was 239, 189 during 1930, 159 during 1931, 157 in 1932. The balance sheet shows that the major part of the income is contributed by the Municipality, Government and the N. M. Wadia Charities; the general public contributed less than 10 per cent: of the income in 1930 and 1931. Admission to the camp is voluntary; so also is release from the camp. The Camp has a dispensary and a small hospital with wards for males and females. There is a workshop where such beggars as are capable of it are taught to weave, making the cloth used for the inmates. Only disabled beggars are admitted to the camp, but in the workshop are one or two men who, though disabled when admitted, have been cured and have been kept on because they could not find work. The site of the camp has been granted by the Improvement Trust and is capable of expansion. This is important because although the present number of inmates is limited by lack of funds, the maximum accommodation of 300 is inadequate for the needs of Bombay City.

43. There is one rather disturbing fact to be taken into account when considering how this camp can be adapted to the needs of the future. We have tried to discover why the general public in Bombay subscribes so little to this, the only institution which caters exclusively for that most deserving class, the helpless beggar. A large number of witnesses have taken the view that it is because the camp is managed through the agency of the Salvation Army, a Christian organization. Most witnesses have admitted that they know that the Salvation Army does not attempt to proselytise, even in the small camp school, and that the objection of many of the general public to management of the camp by the Salvation Army is most unreasonable. But however unreasonable,

this opinion is a fact and will have to have taken into account if, as we hope, the maintenance of helpless beggars is to be made an obligation of the charitable public. It may be that the solution will be the formation of a non-sectarian staff directly under the control of the Managing Committee (see paragraph 64), or it may necessitate the formation of separate institutions on communal lines.

44. Of the specialised institutions leper asylums are the most important, having regard to the large percentage of helpless beggars who are lepers. Of these only one, *the Acworth Asylum* is recognised under the Indian Leper Act, and this is the most important. It has accommodation for 350. It is run by a Committee of Management and all the funds are supplied by the Municipality for natives of Bombay City and by Government for all others. The number of inmates in November 1933 was 294, comprising 185 male and 109 female lepers, and an analysis of these figures reveals some information of interest. Only 45 of these inmates are of Bombay domicile and form a charge on the Municipality; the remaining 234 are of non-Bombay domicile, most of them being natives of other districts of the Presidency, but a fair proportion of them belonging to other provinces. Attempts are being made to repatriate those foreign to the Presidency and, with a view to making more accommodation available for Bombay pauper lepers, to transfer those belonging to other districts to asylums in those districts. Such Asylums exist at Kolaba, Thana, Ratnagiri, Poladpur, Sholapur, Ahmedabad, Nasik and Belgaum. Most of these asylums, we believe, are full and the policy cannot be fully carried out. Nor need it be until the maximum accommodation in the Acworth Asylum has been taken up. It is conjectured, however, that this will soon take place, for until recently the home was full. It has only been reduced to its present numbers owing to a circular of Government limiting admissions to the Asylum to those certified by the Inspector of Lepers and forbidding voluntary admissions. It seems likely that those who have been excluded because they applied for admission voluntarily, will return before long via the ordinary channels. This is assuming that the Police will take action against leper beggars found in the streets. Considering the large proportions, however, of lepers in Bombay who are not natives of the City it seems probable that the Acworth Asylum could accommodate all those who are natives of the city. This however does not mean that the streets could be cleared of leprous beggars, for accommodation would have to be found elsewhere for the large numbers who are "foreign" to the city and it is very doubtful if this accommodation is available.

45. There is one feature about the Acworth Asylum which in our opinion needs immediate remedy; it is not escape proof. In fact until recently no attempt was made to prevent escapes. In a previous Beggar Report, it was stated that the inmates of the Acworth Asylum were "thoroughly contented and have no desire to stray away from their very comfortable quarters". There is no question that the treatment of lepers committed to the Asylum leaves nothing to be desired, but the "desire to stray away" is now most marked, because the public

of Bombay encourage straying by injudicious alms giving. We would quote the case of one person admitted to the asylum 37 times during the past 2 years. He has a definite begging location in the heart of the City, and on his most recent commitment was found with the not inconsiderable sum of Rs. 96 in his possession. In our opinion it is farcical to go through an elaborate procedure of commitment unless that commitment is to be a real one. On the advice of the Bombay Government, the Acworth Home authorities have recently undertaken to improve the boundary fence of the asylum. We hope that this will prove effective; if not, further improvements will be necessary.

46. There are several small schools and homes for the Blind in Bombay City. Of these the most important are the Victoria Memorial School (accommodation about 55), American Mission School, Dadar (accommodation about 40), the J. B. Petit School at Dharavi, and the Anstey Home for the Blind, with which is associated the Happy Home for the Blind and the N. H. D. Home at Kumbharwada. The Anstey Home has about 36 boys. With the exception of the American Mission School which has both boys and girls, these institutions provide accommodation for boys only. The Happy Home for the Blind is the only one which will admit blind beggar boys, as it is found that these beggars have a bad influence on the other boys, though sometimes after a year or two in the Happy Home boys are admitted to other institutions.

47. It is understood that funds were collected by Mrs. Sabawalla prior to June 1929 to the extent of Rs. 47,000 for the purpose of founding a Home for street and needy blind women and girls (including beggars). In January 1931, a site was given by Government but nothing tangible in the direction of construction seems to have taken place. In view of this and the fact that the funds must have amplified considerably during the passage of four years, if a separate scheme does not materialize at an early date, it is hoped that the sponsors will reconsider their policy, and agree to co-operate with the Commissioner of Charities with a view to partial expenditure of the said Funds being made towards an approved Helpless Beggars' Camp section catering specifically, if necessary, for the blind women and girls.

48. Mention must be made of the large number of scattered organizations and charitable trusts which exist for the amelioration of the lot of beggars, poor travellers, etc. It has been impossible to obtain a complete list of them and there is no space to describe them but certain figures which have been gleaned are of considerable interest. In the Sethna Report it is stated that six Sadavartas in Bombay City expend nearly Rs. 28,000 per annum and provide over one lac of meals. It was recognised that this list was incomplete. A list of Hindu charities published by the Social Service League in 1919 gives 17 Annashatra and Sadavartas and 39 Dharamshalas, of which the endowments exceed 18 lacs of rupees. These are all Hindu charities. In addition there are many wealthy charities belonging to other communities. The Commissioner of Police has kindly supplied us with a list of the more important Sadavartas and Dharamshalas of all communities where beggars are

fed but could not give details of expenditure. These few facts and figures, necessarily incomplete, prove that the charitable public of Bombay fully realises the deplorable conditions of the begging fraternity and their need for charitable relief; and that they have responded generously to the need—so generously indeed that we feel that with the right organization there would be no lack of funds to provide a complete solution of the beggar problem of Bombay City. But the second fact about all these trusts that strikes us is the complete lack of organization at present. Hundreds of charitably minded people have munificently attempted in their own way to ameliorate the lot of beggars and have subscribed sufficient endowments and spend annually as much as seems necessary for a complete solution of the problem. Yet the problem has not become any the less acute. We fear that these indiscriminate attempts have in many cases aggravated the problem, looking at it broadly, in that they have provided a definite incentive to begging. The knowledge that there is never need to starve and the possibilities that a leading city and port like Bombay offer to professional beggars must have caused many to turn to begging and many more to drift into Bombay from elsewhere. We feel that some organization is needed which will co-ordinate all these resources and will prevent the evils of begging at the same time as curing the evils of destitution.

CHAPTER V.

PROPOSALS.

49. The idea of a Clearing House for the reception of all types of beggars, other than children found begging alone, is not novel, for it has been commended in the Starte and Mody Reports, and we are certain that its establishment is a pivotal necessity.

50. An adequate clearing house should comprise—

(*a*) a Beggars' Court,

(*b*) a cleansing and disinfecting section,

(*c*) sleeping and feeding accommodation for a maximum number of 50 inmates at one time,

(*d*) a records office and finger print bureau,

(*e*) residential quarters for supervisory and other staff.

So far as (*a*) is concerned, the creation of a Beggars' Court is considered to be a fundamental requisite for the effective and sympathetic operation of the proposed Beggars Act (see Chapter 3), and we recommend that the Chief Presidency Magistrate's earnest attention should be directed towards the appointment of specially qualified members of the Magistracy to the Court.

51. The Police should be concerned with the records office and finger print bureau, the putting up of cases before the Court and execution of deportation orders when passed.

52. Immediate supervisory control should be vested in the Chief Officer and medical inspection can be done by a part-time medical officer.

53. It is suggested that 1 block of the Worli Chawls (80 rooms) would be suitable for the clearing house, with slight modifications to the ground-floors to provide suitable accommodation for (*a*), (*b*) and (*d*). Every endeavour should be made to ensure that the period of remand of beggars in this temporary abode is as short as possible.

54. The Beggars' Camp at Rowli Hill, Matunga, is situated in a very healthy locality, is readily accessible by rail from the heart of the city, and is within relatively easy reach of the proposed clearing house at Worli. Despite the care exercised by the Helpless Beggars' Committee and the zeal shown by the Salvation Army, which is charged with the task of immediate supervision, the Camp suffers from some striking limitations. The casual visitor cannot fail to be impressed by the number of mentally weak inmates of all ages, mingling with the blind and other residents. Complete segregation of those in any way mentally weak is out of the question, but separate accommodation is distinctly desirable for those considered to be in need of special care. A second limitation exists in the frequency of escapes. Under existing legislation, detention is only possible on a voluntary basis; with the institution of compulsory detention, however, arrangement must be made to prevent escape as far as possible by means of a fence. A third weakness is found in the lack of individual inquiry work. We are sure that if inquiries either local or upcountry, were instituted by the authorities of the Beggars' Camp, as are already done in the Umarkhadi Remand Home, relatives might be traced who are willing and capable of taking charge of some of the inmates, and the general cost of the establishment might thereby be decreased.

55. We recommend that the existing capacity of the Camp should be enlarged to provide a home for 500 helpless beggars. This will demand an enlarged and improved sanitation scheme, eight new residential huts, an enlarged kitchen, the extension of the present hospital and dispensary, an improved water supply, and additional barbed wire fencing to encircle the 4,000 square yards of additional land which needs to be acquired, and to improve the protection to the existing area. It may be mentioned that the present buildings require extensive repairs and a proper road into the camp needs to be made.

56. It is not easy to estimate probable demands on accommodation at the Camp for a period of years. Estimates of the number of helpless beggars on the streets vary tremendously, but it is certain that a large proportion of them emanate from the mofussil, and it is certain that resolute action on the part of the authorities will result in numbers of such immigrants leaving the city either after the result of Police action, or by reason of fear of such action.

57. As far as possible, beggar families should not be separated and we would recommend building separate huts for them. As a temporary measure screening off certain sections of existing sheds would be suitable.

58. The weaving shed which exists at present within the Camp confines is productive to a surprising degree, considering the physical and mental attributes of the labour available, and although it is not reasonable to expect the Camp to be in any way self-supporting, we believe, that in addition to weaving, the simple industries practised by some of the tribes under the care of the Backward Class Officer might be profitably emulated when the Camp population is amplified to the degree we expect, if the Police are encouraged to take that action, which is so long overdue, in at least partially clearing the streets of the City of unfortunate beggars.

59. Medical inspection of the Helpless Beggars' Camp is at present arranged by the Bombay Municipality, and though a morning visit of two to three hours' duration meets demands under existing conditions, it is abundantly clear that the services of a full-time medical officer will be necessary in the future if attendance at the Clearing House is made part of the functions of the same official. We recommend that the Bombay Municipality be approached with a view to this being made possible.

60. Despite the fact that to some extent, begging children will be admitted side by side with their begging parents, we do not recommend the establishment of schooling facilities within the camp. Owing to vernacular difficulties, at least three schools would be necessary and the cost of the same would be prohibitive. Unless the Municipality is prepared to provide such schools, we recommend merely the institution of craft centres where elementary industries can be taught suitable to children over seven years of age. We are agreed that no specified age should be fixed for the separation of children from parents. In the first place we feel that humanitarian reasons would debar such sweeping action. Secondly, we are aware that the present amount of accommodation in certified schools is inadequate to meet present needs and would not be available for additional number of beggar children who, after separation, would have to be dealt with under the Children Act and transferred from the Beggars' Camp to certified schools. We prefer, on the contrary, to insist that, at the periodical revision of cases, special care should be given to the condition of children living in the family quarters provided in the Camp. In all cases where sufficient proof is at hand that the influence of parent on child is harmful or that the child is uncontrollable, then action should be taken under sections 7 (1) (*f*) and 8 of the Children Act and the children in question removed to the Umarkhadi Remand Home for production before the Juvenile Court and subsequent commitment to School.

61. We have considered also the subject of chronic cases sent from the Casualty Department of City Hospitals (particularly the King Edward Memorial Hospital) to the Camp. 99 such cases were sent in 1932 out of a total of 183 helpless beggars admitted for the year. This accounts largely for the high mortality in the Camp (60 in 1932). If accommodation is not found to exist in the hospitals of the city after close examination of the position by the Surgeon General, a permanent hospital for incurables is definitely necessary at Matunga.

62. We have considered the desirability or otherwise of recommending the constitution of a detention camp for able-bodied beggars in the light of conclusions made in the Starte and Mody Reports, and conditions prevailing now. The Mody Report suggested " the opening of a separate home for accommodating the able-bodied beggars, who should be provided with work on a farm, in carpenter's or smith's shops or such other classes of work that are suitable to their age and physical conditions ", whereas the Starte Report commended the establishment of a mobile camp functioning without the city from which labour could be drawn for Government and Municipal constructional works. We fear that financial considerations may prevent the creation of a detention camp, though such a camp is an essential part of any comprehensive scheme. If, after the clearing house has come into being, and the existing Helpless Beggars' Camp has been enlarged and improved in the direction indicated in paragraph 68, funds can be obtained to provide a place of detention for the able-bodied with simple industrial facilities, we strongly recommend its establishment. We hope that some of the beggars will be rehabilitated as a result of detention in such a camp, and for the rest the fact that work is made compulsory provides a severe deterrent to the able-bodied mendicant, and after release it is certain that numbers of them will leave the city in the knowledge that begging is no longer one of the remunerative professions. Though ordinarily it might not be possible or advisable to keep the dependent of an able-bodied beggar with him in the Able-bodied Beggars' Camp, some cases would arise in which this was advisable and provision should be made for this contingency at the discretion of a Sub-Committee.

63. The financial aspects of the foregoing recommended innovations are dealt with in the succeeding chapter.

64. The Committee of Management for the enlarged Helpless Beggars' Camp and Able-bodied Detention Camp and the clearing house should be composed of nominated official, nominated non-official, and co-opted members. Eighteen members would comprise a convenient strength and be readily divisible into sub-committees for specific branches of the organization, including one sub-committee for the periodical revision of cases and the release on license or otherwise of cases which deserve such action. Government and Municipality should have authority to nominate five members each and we hope that such nominations will be largely from the existing charitable trusts, leaving the remainder to be co-opted. In effect, the present Helpless Beggars' Committee will be strongly represented in the new Committee.

65. We have commented previously on the fact that if all the monies distributed now in indiscriminate ways could be centrally collected and disbursed in an organised manner, the beggar problem would be much nearer solution. We believe that the Committee of Management constituted as described in the preceding paragraph and presided over by the Collector of Bombay in the combined capacity of Chairman and Commissioner of Charities would commend itself to the public bodies,

private trusts and citizens of Bombay who are so generous now, as being fully competent to centralise and disburse or at least to guide disbursements on the desired lines.

66. The degree of labour involved in preliminary investigations into the terms of existing endowments, the administration of Sadavartas, Dharamsalas etc., is likely to be intensive and the Chief Officer necessary to directly administer the Helpless Beggars' Camp and the Clearing House might, with advantage, initially at least, assist the Collector of Bombay in the said investigations.

CHAPTER VI.

FINANCE.

67. The most recent figures of the Helpless Beggars' Relief Committee indicate that the average cost of maintaining a beggar at the Rowli Hill Camp amounts to Rs. 6-8 per mensem including supervision, or Rs. 5 for direct maintenance. The principal sources of income at present are Rs. 10,000 per year from the Municipality (until comparatively recently this annual contribution was Rs. 12,000) Rs. 2,500 from Government, Rs. 1,200 per annum from N. M. Wadia Charities and about Rs. 1,000 worth of grain annually from the Helpless Beggars' Relief Committee. The average number of inmates for 1932 was 157. The actual income required to maintain 500 inmates is likely to be approximately Rs. 30,000 per annum; that is, an additional Rs. 16,500 per annum is required.

68. The initial outlay required to augment and improve the present accommodation comprises the following items :—

	Rs.
(*a*) Improved sanitation	7,200
(*b*) Permanent new residential buildings (10 sheds)	47,500
(*c*) Enlargement of kitchen	2,000
(*d*) Extension of hospital and dispensary ..	3,600
(*e*) Water supply extension	150
(*f*) Additional barbed fencing	225
(*g*) New dining shed	1,000
(*h*) Repairs to existing huts	5,000
Total ..	66,675
If temporary residential huts are provided, the figure is reduced by	36,000
which reduces the initial cost of augmentation and improvements to ..	30,675

The existing land occupied by the Camp is approximately 10,000 square yards in area and at Rs. 4 per square yard the additional area of 4,000

square yards required amounts to Rs. 16,000, but it is hoped that this additional territory can be obtained on lease at a nominal rate from the Municipality now that the Improvement Trust has been merged with that body.

69. *The Detention Camp for the able-bodied.*—We would again emphasise at this stage that if any phase of the scheme outlined is found to be impracticable from the point of view of immediate availability of funds, the proposed detention camp should be left for the future. The initial cost of its foundation, however, is estimated thus :—

	Rs.
(*a*) Office	2,800
(*b*) Eight permanent and residential buildings	38,200
(*c*) Three Workshop buildings ..	5,400
(*d*) Hospital	1,800*
(*e*) Kitchen	2,000
(*f*) Sanitation	7,200
(*g*) Unclimbable fencing	6,240
(*h*) Water supply	2,000
	65,640

* This building could probably be joined as a wing to the Hospital for the Helpless Beggars' Camp.

	Rs.
13,000 square yards of land is necessary and again it is suggested that the Municipality might be willing to arrange for its use though its cost at the rate of Rs. 4 per yard would amount to	52,000

The charges for maintenance for 200 inmates should not be more than Rs. 7,000 per year, as it is estimated that there will be an average population of 100 persons earning their direct maintenance and although the Chief Officer will be the Superintendent of the Detention Camp, the annual recurring cost for supervision etc., may be estimated at :—

	Rs.
1 Assistant Superintendent at Rs. 75–130 per month	1,220
2 Senior Guards Rs. 30–40 per month ..	840
8 Junior Guards Rs. 25–30 per month ..	2,640
1 Sweeper Rs. 27 per month	324
Miscellaneous Rs. 60 per month ..	720
	5,744
In summarising, it is estimated that the initial cost of founding such a Labour Colony will be	65,640 approx.
Annual recurring cost of direct maintenance	7,000 ,,
Do. for supervision etc...	5,750 ,,

70. *Clearing House Staff.*—The Chief Officer, as indicated previously, will exercise supervision over the Clearing House as an integral part of general control of the whole scheme, but will require an estimated annual recurring allotment to cover the following :—

	Rs.
1 Assistant Rs. 60–100 per month ..	960
1 Cook Rs. 30 per month	360
1 Senior Guard Rs. 30–40 per month ..	420
3 Junior Guards Rs. 25–30 per month ..	990
1 Sweeper, 1 Peon } Rs. 27 per month ..	648
Food for 25 beggars at Rs. 7 per month.	2,100
Medical attendance, medicines, disinfectants	1,200
Miscellaneous (lighting rates etc.) ..	1,500
	8,178

If able-bodied beggars are employed on Municipal works in squads, rooms will be available for their use if the location of any work is situated nearer Worli than Matunga.

71. It is hoped that Government would only charge a nominal rent for the chawl but Rs. 2,000 should be budgetted as non-recurring charges for adapting the chawl to its new purpose.

	Rs.
72. A Chief Officer of requisite calibre cannot be obtained on a salary of less than Rs. 300 per month or	3,600 per annum.
He will require a clerk at an annual cost of	720
And a peon at an annual cost of ..	300
Conveyance allowance at an annual cost of	300
And miscellaneous expenses at an annual cost of	360
Total estimated annual cost for his establishment	5,280

73. Thus our financial proposals may be tabulated as follows :—

	Rs.
Helpless Beggars' Camp—	
(*a*) Minimum initial expenses ..	30,675
(*b*) Annual new recurring expenditure ..	16,500
(*c*) Annual expenditure neglecting present income	30,000

	Rs.
Able-bodied Detention Camp—	
Minimum cost of establishment exclusive of land purchase	65,640
Annual recurring expenditure	12,750
Clearing House—	
(*a*) Annual recurring expenditure exclusive of rent	8,178
Chief Officer's Establishment—	
(*a*) Annual recurring expenditure ..	5,280

Neglecting for the moment the Detention Camp, foundation funds are required to the extent of Rs. 30,675 and a recurring annual expenditure of Rs. 29,000 approximately. If the present support given to the Helpless Beggars' Camp is not included as income, the recurring annual expenditure will be Rs. 43,500 approximately.

74. The Helpless Beggars' Camp expenses, both foundation and recurring, should be raised from private charitable sources judging from the sums known to be expended now in indiscriminate ways (see paragraph 48).

75. The Establishment of the Clearing House and the Chief Officer's establishment should be met equally from provincial and municipal revenues, which as the given details show, will involve an expenditure of approximately Rs. 6,750 per annum from each of those sources initially. If the Able-bodied Detention Camp comes into being at any early date, the annual recurring expenditure will be amplified from Rs. 6,750 each to Rs. 13,000 approximately each after the foundation expense of Rs. 65,640 has been shared.

76. We recommend that any monies accruing from fines inflicted in the Beggar Court should be set aside to form a separate source of income towards Clearing House expenses.

77. We realise that a more ambitious scheme relying on considerable contribution from Government and Municipal sources would most probably be shelved, like previous schemes, but we trust that the foregoing is well within the range of practical application. We can only hope that our labours will not share the fate of our predecessors, and that the solution of the problem will not be postponed indefinitely once more.

PART II B.

B.—MAVALIS.

THE INFLUENCE OF MAVALIS ON THE CHILDREN OF BOMBAY CITY.

78. Considerable difficulty exists in assessing the evil degree of influence exercised by Mavalis over children in Bombay City. The object tends to be intangible in many ways for different reasons. In the first place the word " Mavali " is a bazaar term. It is used by different people with different shades of meaning. Answers from witnesses examined by this Committee, and replies to questionnaires have demonstrated the fact that to one man the mavali is a homeless unemployed vagabond, to another a resident in a chawl with casual work and a tendency to revert to hooliganism at intervals, whilst to a third he is a racketeer and a member of a gang. The actual sphere of this influence will be narrowed or widened by the exact interpretation of the word " mavali ". The very fact that definitions tend to show such variation points to the fact that there are probably many classes of mavalis operating in the city, as the true interpretation of the term probably includes all undesirables, employed or unemployed, homeless or not, who move in gangs and supplement what form of livelihood they possess by committing acts of violence when and where they choose. Evidence is at hand that the number of such persons must be considerable as manifested in the 1929 and 1932 riots. Statistics are lacking, but it is interesting to note that one police witness before this Committee estimated the number as no less than 20,000. The second reason accounting for the impossibility of assessing the exact degrees of harm wrought by mavalis on children is due to the fact that the majority of children who usually fall within their clutches (but by no means all) are themselves the flotsam and jetsam of India, the floating population of destitute children from upcountry who tend to gravitate to the great cities of the land, but having no abiding home, frequently circulate from city to city. Such children, therefore, who prove the readiest victims of mavalism, may not necessarily remain within the confines of Bombay City. Passing from city to city, they probably pass from one damaging influence to another as each city to some degree possesses its own mavali problem. It is therefore impossible to make any accurate assessment of the real damage done by the association with mavalis in any one city, but even if accurate assessment be impossible the damage remains real and lasting. Thirdly, a fresh complication arises in the fact that the conversion of a child into a mavali is a long process extending over several years. The eventual result can only be seen when the child emerges from childhood and, by the very attainment of manhood, possesses sufficient physical strength to make the adoption of a life of violence possible. The term " mavali " must define a man, with a man's strength and capacity for acts of violence. The destitute child may associate with mavalis, but during the period of association he may live a life of petty theft and beggary. Psychology teaches us that the plastic

nature of a child's mind makes childhood the most susceptible period of life and that environment is a far more potent determining influence than mere heredity. The ultimate fate of a child who associates with mavalis can therefore be prophesied even if actual proof, owing to the above facts, be lacking. Proof, however, as to the association is at hand, as can be seen in the following ways, and the very degree of the amount of association calls for action if the results of association are to be averted.

79. In dealing with the association of children with mavalis it is desirable to deal with the problem in two parts according as to whether the association be direct or indirect. Direct association occurs with those classes of mavalis who deliberately use children for specific purposes. It must, however, be admitted that such misuse of children cannot wholly be put down to mavali influence, as in all sections of society bad persons will be found, who, although technically not mavalis are ready to make a similar misuse of children for their own ends.

80. One form of direct association is when a gang of mavalis turn their hands to house-breaking and theft and directly employ boys, either training them as expert pick-pockets or using them as agile climbers to force entries into private premises. Cases have come to the notice of the authorities in charge of the Children's Home, Umarkhadi, where deaf and dumb boys have been employed in such tasks. In one case mawalis have been found living on the earnings of a boy pick-pocket who appeared four times before the Juvenile Court and finally escaped (probably through outside help) from the Reformatory school to which he was committed. In the same way boys are used by mavali drug traffickers and coiners to transport illicit drugs from place to place and circulate false coins. One case recently appeared before the Juvenile Court in which a boy had been arrested as he was boarding a mail steamer with 3½ pounds of opium strapped between his legs. From the evidence secured from the police, it is worthy of note that mavalis hire out their services as pimps and touts, both in securing customers for brothels and in living on the earnings of prostitutes. Commercialized vice is thereby stimulated and, where it exists on a large scale, and especially in times of acute economic depression, young girl victims tend to increase.

81. In the police evidence submitted in answer to a special questionnaire, it was stated that mavalis frequently employ boys in satta betting; in many instances such boys are employed as messengers, but in some cases instances have been found at the Umarkhadi Home of boys having been used as oracles for the selection of lucky numbers. In one case a deaf and dumb boy appeared to have been trained to point out figures on a paper and in another a boy was deliberately drugged with ganja smoke and then questioned as to the choice of numbers. In addition, mavalis, as believers in the gospel of violence, require spies as to the location of the police when the time comes for the perpetration of deeds of violence. Boys prove useful spies owing to the unsuspicious nature of their appearance and their mobility of movement.

82. Apart from the above ways in which mavalis directly make use of children for their own criminal purposes, even more direct means of association exist. In the first place, from the evidence received through the police it is manifest that, although most mavalis are upcountry men and many have wives and children at their native places, they very often have also their kept mistresses in Bombay. It can be inferred, therefore, that many mavalis have illegitimate children in the City. Instances have been brought to our notice of a mavali in Bombay who considered himself to be so far a family man as to apply for his mistress' maternity benefit in person and of another who had no less than three kept mistresses in the City, who were supporting not only the mavali himself on their earnings in a mill but also his wife and family upcountry to whom he sent regular contributions.

83. It also appears from the evidence of the Police and also from the experience gained in the Umarkhadi Home that mavalis frequently use young boys for unnatural purposes. Occasionally the boy is engaged as a paid servant of a group of mawalis and the understanding is that by service is meant not only domestic work but unnatural vice. The result is that not only do such boys grow up morally contaminated but they often become physically diseased. The records at the Umarkhadi Home show an increasing number of admissions of boys who have acquired syphilis owing to the unnatural uses previously made of them. The homeless, upcountry destitute child through his own defencelessness, becomes the readiest victim. From the recorded statements of such children it would appear that the employment of boy labour on the docks through Serangs and Tindals is particularly conducive to the occurrence of unnatural vice. The dependence of boy on master, at times when work is non-existent, undermines the boy's resistence and the usual custom of sleeping on the street, in boilers and open places make such practices common among the men and boy members of the gangs.

84. Apart, however, from evidence of direct association of mavalis and children as above described, it must be remembered that in a city like Bombay where the mavali element is scattered in varying degrees throughout the city much indirect association occurs. In the first place it is admitted that in times of riot and disturbance the mavali element temporarily gets the upper hand. Boy life in the city is immediately affected as the instinct of the average lower class boy is to join in. During the 1932 riots many boys of all ages from 10 years to about 16 were arrested for different forms of rioting and looting and, in one case, of stimulating a riot by the dissemination of false information. In the vast majority of cases it was found, after inquiry, that these boys were not destitute boys the flotsam and jatsam of the streets, but were boys with their homes in Bombay, whose parents belonged to the decent artisan class. The fomentation of disturbance in the city was thus seen to be inculcating a spirit of violence amongst children of the more respectable classes.

85. Every witness before this Committee has either testified to the fact orally or in written evidence that the mavali haunts the city's open spaces. This has been seen to be true not only of the waste places adjoining dockland but also of maidans and recreation grounds, which are also the playground of the city's children. Thus the child readily tends to become the associate of the mavali. It would appear extremely desirable for more effective action to be taken by the police through the flying squad to clear such places as far as is possible at night. In addition the tea-shop or hotel proves not only one of the most common places of juvenile employment but in the worst localities, in addition, functions as a mavali meeting place and club. The boy employees and the mavali customers are thereby thrown together. From the evidence received from the police it would appear that opinion is divided amongst the police as to the possibility and desirability of enforcing stricter control over these tea shops. It seems that under sub-section 17 (section 22 of the Bombay Police Act) every proprietor of a tea shop has to see that it is run in an orderly manner, and under sub-section 21, the Commissioner has the power to close forthwith any such place if "the inconvenience, annoyance, risk, danger or damage of the neighbourhood" is likely to be involved. To effect the enforcement of such rules it would appear necessary to provide for the inspection of such places from time to time by the police and regular inspection by means of the flying squad might make tea-shop owners more careful as to the admission of known mavalis. If a more rigorous control is enforced something could be done to prevent such eating places tending, in certain localities, to become little more than mavali headquarters and would protect to some extent the juvenile employees.

86. Another meeting ground of child and mavali is the docks. The upcountry destitute child is drawn to the docks by the magnetic attraction of a prospective work which frequently never materializes. In addition the parents of the poorest classes regularly send their children to pick up spilt grain from the sheds. If the expectation of spilt grain is not fulfilled, the normal child, to escape punishment on return, will generally resort to slitting a gunny bag to secure the required grain. As the mavali is usually the casual labourer he may, or may not, according to the existence of desire for work, also haunt the docks and indirect contact is thereby possible between mavali and child. It is open for consideration as to the desirability of securing legislation whereby no juvenile less than 16 years of age be admitted as a dock labourer. If the age limit were raised small children could be turned away from entering the dock area, and thereby a good deal of indirect association with adult mavalis be prevented. If, on the other hand, this be impossible, owing to the nature of certain work on ships requiring small sized workers, then steps should be taken to interest some philanthropic organization in opening a hostel for juveniles working on the docks which could be run on similar lines to the Sailors' Home, whereby real protective influence might be secured for *bona fide* juvenile dock labourers. Such a system might also restrict the recruitment of boy labour through

serangs, or rather it would limit the authority of the serang to the employment of lads alone and relieve them of the present necessity of providing accommodation too, a custom whereby real evil has crept in.

87. It may be pointed out that the association of children and mavalis, direct and indirect, is common in this city and that their association is naturally detrimental to the child. It is impossible to specify exactly the classes of children affected but in the main it is the destitute child who becomes the readiest victim. Other classes of children are, however, affected. This is seen naturally more amongst children of the lower strata of society but cases have been admitted at the Umarkhadi Children's Home where boys of bad type coming from a superior class have found in the mavali a source of livelihood. Such boys are the uncontrollable lads who can be found in every rank of society. Cases have occurred in which boys from good homes have been known to threaten their parents with running away and associating with mavalis unless allowed to have their way in their own home. Much of the preventive work now being done under the Children Act in the arrest of destitute children and their commitment to the Reformatory Schools is being undone by the fact that, if on leaving such schools good employment is not immediately available, these lads in some cases tend to drift back to their old bad associates. One lad in particular was rearrested under the Children Act, as he was still under 16 years of age, and it was found that after his term of detention in school was completed a gang of mavalis had availed themselves of his services and when rounded up, the very room they inhabited was found rented in the name of the child as a blind. Destitute children from upcountry are the most likely to fall within the pale of mavali influence; uncontrollable lads of even respectable classes are also sometimes drawn into their association; and boys in regular employment in the city are by no means unaffected.

88. In the majority of the replies received from the sectional police, the statement was made that the mavalis organize themselves under the leadership of a *dada* who attains his chiefdom by serving in the ranks of mavalidom. One distinction, however, between a mavali and a *dada* was emphasized. The average *dada* is described as a mavali of substance whose vocation may be mavalism, but also follows some seemingly respectable employment. A variety of employments was given as common to *dadas*, e.g. hawking, running a pan supari shop, the profession of a butcher or a milkman, mill jobbing, tea shop and dock sarang work. The *dada*, therefore, who is himself an ex-mavali ranker and has become a mavali officer, has his head-quarters well within the pale of respectability. The *dada* is a kind of bridge spanning the space between normal life and mavalidom. Through the *dada*, the mavali organizer, the whole problem becomes yet more insidious. He retains his position within the kingdom although he is a petty prince of outlawry. Through his overt means of livelihood he impinges on respectability. He may himself be an employer of labour in his own small way and it is possible that he selects his juvenile employees with an idea of training them as future members of his gang. It is an accepted

fact that gangs of beggars—including children—are employed by such mavali gangs and the receipts from begging are collected at intervals.

89. In conclusion it is impossible to over-emphasise both the intengibility of the problem of mavalism in its fullest aspects and the importance of its reactions on ordinary life. It has been seen that the mavali like an actor may play many parts. It has been pointed out that he is organized from within and bulwarked from without. His *dada* has a foot in each territory. *Directly* the mavali exerts an evil influence on the child as the father of illegitimate children, in the city, as the criminal training children in his art, as the inveterate satta better, using children as oracles. *Indirectly*, however, his influence has been shown to stretch further afield. The mavali promotes riots and disturbance conditions which foment juvenile delinquency in the city, he inhabits open places and the children's reereation ground may only be a polite term for the mavalis hunting ground, he frequents a tea-shop, common centres of juvenile employment, and he roams the docks and encounters a host of destitute children. The mavali problem of the city is not the mere problem of to-day but the problem of to-morrow. What is merely a menace to-day may become an overwhelming factor in the future. The subversive influence of the mavali on the child to-day, may, if allowed to proceed unchecked, create an insoluble problem for to-morrow.

90. The only way to protect the child from the mavali is to strike at the source of mavalism. No one remedy will succeed in doing this. Bombay Act No. XVII of 1929 (The Presidency Area Emergency) Security Act, and Act No. X of 1933 (The Bombay Emergency Powers) Whipping Act, and Bombay Act No. XXI of 1933 are new and we cannot yet appreciate their full results. The last Act (XXI of 1933) makes possible the externment of individuals who have been convicted more than twice of offences under Chapters XII, XVI or XVII of the Indian Penal Code and are not born in Bombay City or Bombay Suburban District.

91. Section 27 (1) of the Bombay City Police Act has its application to gangs and not to individuals and arrests under this Act have been frequent. We understand that 900 such arrests were effected last year and normally there are some 200 or 300 arrests annually under tranquil conditions. This section, however, applies to people who do not belong to Bombay City and we feel that the use of this Act to enforce externment has its dangers, as it is difficult to see how a person so convicted has any chance of making a living. The same criticism regarding externment with no provision for finding employment also applies to Act XVII of 1929 and to Act No. XXI of 1933. The breach of an order under section 27 (1) of the Bombay City Police Act is dealt with under section 128 of the Bombay City Police Act carrying with it a sentence which may extend to two years' imprisonment. It seems obvious to us that the worst type of bad character must first be dealt with and to this end we make the following suggestions.

92. We are impressed with the value of an Act in the United Kingdom framed for preventive detention. Should it be possible to bring such an Act into force in the Bombay Presidency we feel sure that detention would be the best means of dealing with such problems.

93. Should, however, it not be possible to get legislation through on the lines of the English Act for preventive detention, the best solution of the problem seems to us to deal with this class by enlarging the scope of the Criminal Tribes Act so as to make it applicable to individual well-known bad characters who are not members of the Criminal Tribes as notified hitherto. This suggestion would entail a settlement in the Bombay Presidency, and preferably near Bombay itself, a settlement on the lines of the other Criminal Tribes Settlements. Commitment to such a settlement would be over a period of years and it would be essential to make such period extensive in order to give a reasonable chance of reforming a man's character. Even without modification the Act could be used for the declaration as *Criminal Tribes*, of gangs of mavalis, and their internment in a settlement.

94. We have not overlooked the fact that mavalis who are foreigners can be deported under the Foreigners' Act by which bad characters could be sent back to Indian States. This Act has, however, no penalty for contravention and foreigners who return to Bombay are merely kept in detention in jails and are not given any work being treated as civil prisoners. Our whole aim is that such men should have work and we think that preventive detention is the solution.

(Signed) O. H. B. STARTE (*Chairman*).
(,,) M. R. BADE.
(,,) R. R. BAKHALE.*
(,,) J. C. BOLTON.
(,,) M. KATHLEEN DAVIS.
(,,) R. K. INNES.
(,,) T. SINCLAIR KENNEDY.
(,,) FRANK OLIVEIRA.
(,,) E. W. PERRY.

* Mr. Bakhale does not agree with all that is said in Part II of the report.

APPENDIX I.

List of Witnesses examined by the Committee.

1. Sir Patrick Kelly, Kt., C.I.E., late Commissioner of Police, Bombay.
2. Colonel A. Barnett, Salvation Army, Bombay.
3. Shivapratapji Joshi, Esquire, President, Marwari Chamber of Commerce, Bombay.
4. M. E. Guider, Esquire, Superintendent of Police, Bombay City.
5. Dr. J. S. P. Rodrigues, L.R.C.P., Superintendent, Acworth Leper Asylum, Matunga, Bombay.
6. M. N. Chatrapati, Esquire, B.A., LL.B., Member, Managing Committee, and Honorary Secretary, Blind Relief Association, Bombay.

APPENDIX II.

List of Persons, Institutions, etc., who have sent replies to the General Questionnaire or have been consulted by the Committee.

1. T. W. Johnstone, Esquire, M.B.E., Chief Inspector of Factories, Bombay Presidency.
2. E. P. Warner, Esquire, Superintendent of Arthur Road Prison, Bombay.
3. Rao Saheb R. S. Asavale, M.L.C.
4. Khan Bahadur Samad Khan Ismail Khan, Head Serang and Vice-President, Bombay Docks and Harbour Stevedor Labour Union, Bombay.
5. C. B. K. Naidu, Esquire, Children's Aid Society.
6. Sardar Sir Suleman Cassum Haji Mitha, Kt.
7. M. E. Serang, Esquire, Ship Contractor, Bombay.
8. Dr. R. J. Tatta, Certifying Surgeon, Bombay.
9. The Commissioner of Police, Bombay.
10. D. S. Savardekar, Esquire, Chief Supervisor, Children's Aid Society, Bombay.
11. The Salvation Army, Bombay.
12. The G. I. P. Railway, Bombay.
13. The Bombay Presidency Released Prisoners' Aid Society, Bombay.
14. Syed Munawar, Esquire, M.L.C.
15. The Bombay Port Trust.
16. The Social Service League, Bombay.

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APPENDIX III.

List of Officials, etc., who have sent replies to the Special Questionnaires.

1. Officers in charge of Police Stations in Bombay City.
2. Officers in charge of the Crime, General and Vigilance Branches of the Bombay City Police.
3. The Superintendents of Police of all the Divisions in Bombay City including the Criminal Investigation Department.
4. *The Bombay Municipality.

*The Special Questionnaire issued to, and the replies received from, the Municipality are printed in Appendix IV.

APPENDIX IV.

Special Questionnaire.

1. Is it your view that the general opinion of the Municipal Corporation as now constituted would support the "Municipality" Report, and the main recommendations therein, published in 1924 ?
2. In Ceylon a scheme has been evolved to deal with the beggar difficulty supported by the Colombo Municipality and Government in equal shares. Do you consider that this might be emulated here either to cover :—
   (*a*) initial expenses of founding a Clearing House, and the amplification of the Beggars' Camp, Rowli Hill, Matunga ;
   (*b*) the maintenance expenses of a scheme formulated to suit the need for a solution of the problem ?
3. What are your views concerning the advisability or otherwise of the salvation Army being entrusted with the immediate control of an enlarged Beggars' Camp ?
4. Do you consider the setting up of a Beggars' Court as being a prime necessity, and do you consider the expedients of deportation and repatriation are practicable ?
5. Does the annual contribution of Rs. 10,000 from the Corporation's resources to the Beggars' Camp represent the total sum expended on beggars (blind, mentally defective, lepers etc.) ? If not, could the additional contributions be indicated ?
6. Do you commend the introduction of legislation to ensure the compulsory detention of beggars to the Beggars' Camp ?

No. 209.

MUNICIPAL CORPORATION OFFICE,

Bombay, 6th April 1934.

From

Dr. MORESHWAR C. JAVLE,
Mayor, Municipal Corporation, Bombay ;

To

THE SECRETARY,
Committee of Inquiry into the care of Destitute
Children and Youthful Offenders.

Sir,

With reference to your letter, dated the 30th November 1933, forwarding for the views of the Corporation a copy of the questionnaire drawn up by your Committee on the subject of "beggars", I have the honour, by desire of the Municipal Corporation of the City of Bombay, to reply to the questionnaire as follows :—

Question No. 1.—The Corporation in their letters to Government No. 3364, dated the 17th July 1923, and No. 3413, dated the 1st July 1924, had expressed their willingness to contribute towards the recurring expenditure of the proposed settlement for beggars and vagrants at a rate not exceeding 50 per cent. of the expenditure on the understanding that Government would introduce legislation in that behalf without delay, and that the Corporation would have representation on the managing body of the institution at least in proportion to their contribution. It was not possible at that stage to determine what the Corporation's liability on account of the above contribution would be nor is it possible to do so now. The Corporation however now feel that in their present financial condition it is not possible or advisable for them to undertake any liability on this account.

Question No. 2.—As regards (*b*), *i.e.*, maintenance charges, the above remarks also apply. As regards initial expenses, I am to point out that in their letter to Government No. 3364, dated the 17th July 1923, referred to in the reply to question No. 1 above, it was clearly stipulated that the initial expenditure on the scheme should be provided by Government. It is not possible for the Corporation to make any advance on that position.

Question No. 3.—The Corporation have no objection to the Salvation Army being entrusted with the immediate control of an enlarged Beggars' Camp, so long as it is understood that the Co poration are not to bear any additional expenditure on that account.

Question No. 4.—In view of the present congestion of work in Magisterial Courts, the Corporation think it is desirable and even necessary to have a special Beggars' Court. They are further of opinion that for the successful working of any scheme of controlling beggars in Bombay, it will be necessary to retain the powers of deportation and repatriation of beggars and that these powers could be made effective with the co-operation of the Police and the Magistracy.

Question No. 5.—The contribution of the Corporation to the Beggars' Camp for the last 5 years has been as under :—

	Rs.
1929-30	6,000
1930-31	10,000
1931-32	10,000
1932-33	10,000
1933-34	9,000

The Corporation also bear the cost of a Medical Assistant and a compounder in charge of the dispensary at the Beggars' Camp as well as the cost of medicines required thereat. In addition to this the Corporation bear the cost of maintenance of resident pauper lepers from the City at the Acworth Leper Asylum, the expenditure on this account during the last 5 years being as follows :—

	Rs.
1929-30	15,819
1930-31	14,182
1931-32	12,748
1932-33	11,582
1933-34	14,000

It will thus be seen that the aggregate contribution made by the Corporation towards the relief of beggars, etc., amounts to above Rs. 23,000 per annum.

Question No. 6.—In reply to this question, I am to point out that the Corporation in their letter to Government No. 3364, dated the 17th July 1923, referred to above, have already recommended the introduction of legislation to ensure compulsory detention of beggars.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) MORESHWAR C. JAVLE,
Mayor.

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